

CHAPTER 21

Civil Rights: Equal Justice Under Law

Essential Question

Why are there ongoing struggles for civil rights?

Section 1:

Diversity and Discrimination

Section 2:

Equality Before the Law

Section 3:

Federal Civil Rights Laws

Section 4:

American Citizenship

“Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful.”

—Justice John Marshall Harlan, dissenting in *Plessy v. Ferguson*, 1896

Photo: March on Washington, August 28, 1963



GOVERNMENT ONLINE

On the Go

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- Political Dictionary
- Audio Review
- Downloadable Interactivities

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Lesson Goals

SECTION 1

Students will . . .

- identify ways that increasing diversity is changing American society by analyzing data on the ethnic composition of the United States.
- summarize the history of race- and gender-based discrimination in the United States by completing a chart on events and laws or policies that affected minority groups and women.

SECTION 2

Students will . . .

- understand how the Supreme Court interprets “equal protection of the laws” by analyzing and applying the tests it uses to decide cases.
- trace the history of segregation in public schools by creating a timeline of cases related to school integration.
- examine changing attitudes about school integration by evaluating a political cartoon on this topic.

SECTION 3

Students will . . .

- trace the development of civil rights legislation by relating it to historical actions of States designed to nullify African Americans’ rights.
- analyze the policy of affirmative action and why it is controversial by studying political cartoons and by exploring the issues surrounding it.

SECTION 4

Students will . . .

- summarize ways that individuals become citizens in the United States.
- analyze the controversy over immigration in the United States by preparing arguments for and against opinions on the topic.

DIFFERENTIATED INSTRUCTION KEY

Look for these symbols to help you adjust steps in each lesson to meet your students’ needs.

L1 Special Needs

L2 Basic

ELL English Language Learners

LPR Less Proficient Readers

L3 All Students

L4 Advanced Students

Pressed for Time

Have students prepare a handbook that recent immigrants could use to help them prepare for American citizenship. Students should include a historical perspective of civil rights legislation that applies to new citizens. Encourage students to illustrate their handbooks and provide the names and phone numbers of important local government resources. Handbooks should also include a citizenship study guide and test.

GUIDING QUESTION

How have various minority groups in American society been discriminated against?

African Americans	Native Americans	Hispanic Americans	Asian Americans
<ul style="list-style-type: none">• Slavery• Civil rights gains• Discrimination ongoing	<ul style="list-style-type: none">• Disease decimated population• Driven from lands• Forced relocation to reservations• Poverty, joblessness, alcoholism	<ul style="list-style-type: none">• Largest minority in U.S.• Mexican Americans in Southwest• Puerto Ricans in Northeast• Cuban Americans in South Florida	<ul style="list-style-type: none">• Resentment of Chinese workers led to violence• Chinese Exclusion Act• Japanese relocation camps during World War II

Get Started

LESSON GOALS

- Students will . . .
- identify ways that increasing diversity is changing American society by analyzing data on the ethnic composition of the United States.
 - summarize the history of race- and gender-based discrimination in the United States by completing a chart on events and laws or policies that affected minority groups and women.

SKILLS DEVELOPMENT

ANALYZE GRAPHIC DATA

Since there are several instances of graph use in this section, have students read about analyzing graphic data in the Skills Handbook, p. S26.

SECTION 1

Diversity and Discrimination



Guiding Question
How have various minority groups in American society been discriminated against? Use a table like the one below to take notes on the section.

African Americans	Native Americans	Hispanic Americans	Asian Americans
•	•	•	•
•	•	•	•
•	•	•	•

Political Dictionary
• heterogeneous • refugee
• immigrant • assimilation
• reservation

- Objectives**
1. Understand what it means to live in a heterogeneous society.
 2. Summarize the history of race-based discrimination in the United States.
 3. Examine discrimination against women in the past and present.

Image Above: The United States takes pride in its diversity.

Have you read George Orwell’s classic, *Animal Farm*? Even if you have not, you may have heard its most oft-quoted line: “All animals are created equal, but some animals are more equal than others.” You might keep Orwell’s comment in mind as you read this chapter.

A Heterogeneous Society

The term **heterogeneous** is a compound of two Greek words: *hetero*, meaning “other or different,” and *genos*, meaning “race, family, or kind.” Something that is heterogeneous is composed of dissimilar parts, made up of elements that are unrelated to or unlike one another—in short, something composed of a mix of ingredients. “We the People of the United States” are a heterogeneous lot, and we are becoming more so, year to year.

The population of the United States is predominantly white. It is today and, as you can see in the circle graph on page 614, it has been historically. The first census in 1790 reported that there were 3,929,214 people living in this country. More than four out of five were white. African Americans made up the remaining 19 percent of the population counted in that census. As the nation’s population grew over the decades, so, too, did the proportion of the American people who were white—until recently.

Today, the ethnic composition of the population is strikingly different from what it was only a generation ago. **Immigrants**—those aliens legally admitted as permanent residents—have arrived in near-record numbers every year since the mid-1960s. Over that period, the nation’s African American, Hispanic American, and Asian American populations have grown at rates several times that of the white population. Indeed, the minority population now exceeds the white population in four States: California, Hawaii, New Mexico, and Texas.

A look at gender balance in the population reveals that females are more numerous than males. This has been the case for more than half a century.

As a result of these changes in the American population, the United States is more heterogeneous today than ever before. That fact is certain to have a profound effect on the American social, political, and economic landscape on through the twenty-first century.

Focus on the Basics

- FACTS:** • The United States is a diverse nation made up of people from many different backgrounds. • African Americans, Native Americans, Hispanic Americans, Asian Americans, and other minority groups have suffered from discrimination. • Women of all backgrounds have experienced gender discrimination, especially in wages.
- CONCEPTS:** equal protection
- ENDURING UNDERSTANDINGS:** • The Declaration of Independence declares that “all men are created equal,” but our nation still struggles to meet the ideal of equality for all. • Race-based and gender-based discrimination has declined but not disappeared in this country.

Race-Based Discrimination

White Americans have been historically reluctant to yield to nonwhite Americans a full and equal place in the social, economic, and political life of this nation. Over time, the principal targets of that ethnic prejudice have been African Americans, Native Americans, Asian Americans, and Hispanic Americans. The white-male-dominated power structure has also been slow to recognize the claims of women to an equal place in American society.

African Americans Much of what you will read in these pages focuses on discrimination against African Americans. There are three principal reasons for this focus. First, African Americans have been the victims of consistent and deliberate unjust treatment for a longer time than any other minority group of Americans.¹ The ancestors of most African Americans came to this country in chains. Over a period of some two hundred years, tens of thousands of Africans were kidnapped, crammed aboard sailing ships, brought to America, and then sold in slave markets. As slaves, they were the legal property of other human beings. They could be bought and sold and forced to do their owners' bidding, however harsh the circumstances.

It took a civil war to end more than two centuries of slavery in this country. The 13th Amendment finally abolished slavery in 1865. Still, the Civil War and the ratification of that amendment did not end widespread racial discrimination in the United States.

Second, African Americans constitute a huge minority group in the United States. They number well over 40 million today, over 13 percent of all of the American people.

Finally, most of the gains the nation has made in translating the Constitution's guarantees of equality into a reality for all persons have come out of efforts made by and on behalf of African Americans. Recall that, for example, the struggles of Martin Luther King, Jr., and others resulted in the Civil Rights Act of 1964 and then the Voting Rights Act of 1965. See Chapter 6, Section 3.

¹ Slavery first came to what was to become the United States in 1619; in August of that year, 20 Africans were sold to white settlers at Jamestown in colonial Virginia.

America is now an inescapably multi-racial society. Still, unlike whites, African Americans live with the consequences of America's history of racial discrimination every day of their lives. Of course, this is not to say that other groups of Americans have not also suffered the effects of discrimination. Clearly, many have.

Native Americans White settlers first began to arrive in America in relatively large numbers in the mid-1600s. At the time, some one million Native Americans were living in territory that was to become the United States.² By 1900, however, their number had fallen to less than 250,000.

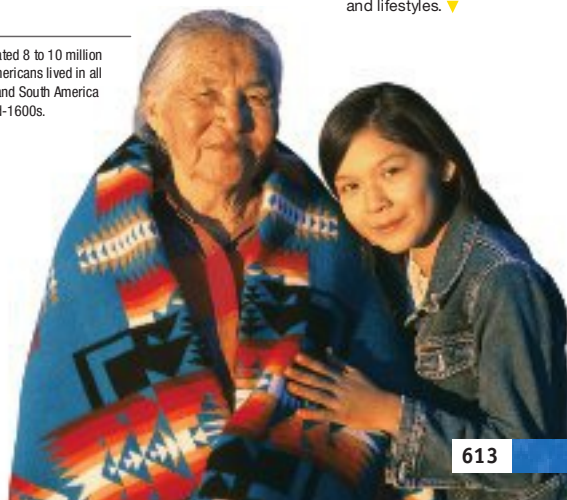
Diseases brought by white settlers decimated those first Americans. So, too, did the succession of military campaigns that accompanied the westward expansion of the United States. To quote one leading commentator:

"The only good Indian is a dead Indian" is not simply a hackneyed expression from cowboy movies. It was part of the strategy of westward expansion, as settlers and U.S. troops mercilessly drove the eastern Indians from their ancestral lands to the Great Plains and then took those lands too."

—Thomas E. Patterson,
The American Democracy

Today, about 3 million Native Americans live in this country. More than a third of them live on or near **reservations**, which are public lands set aside by government for use by Native American tribes.

² An estimated 8 to 10 million Native Americans lived in all of North and South America in the mid-1600s.



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Checkpoint
What was the impact of the 13th Amendment on racial discrimination?

BEFORE CLASS

Assign the section, the graphic organizer in the text, and the Reading Comprehension Worksheet (Unit 5 All-in-One, p. 196) before class.

L2 Differentiate Reading Comprehension Worksheet (Unit 5 All-in-One, p. 197)

BELLRINGER

Write on the board: **How has cultural diversity in the United States affected the foods you eat? Sports you play or watch? Holidays you celebrate? List examples in your notebook.**

Teach

To present this topic using online resources, use the lesson presentations at **PearsonSuccessNet.com**.

DISCUSS BELLRINGER RESPONSES

Have students share their answers to the Bellringer questions. Point out that the United States is among the most heterogeneous societies in the world. Ask students to guess other heterogeneous countries. (*Canada, for example, has more than 200 ethnic groups. Nigeria is made up of more than 250 ethnic groups.*) Have students name countries with homogeneous societies. (*Han Chinese make up 92 percent of China's population. Egypt is 98 percent Egyptian.*)

L2 ELL Differentiate Have students look up the meaning of the words *hetero-* (other, different), *homo-* (same, like), and *-genos* (race, family, kind) in the dictionary. Ask non-native students to discuss how heterogeneous their home country is compared to the United States.

DISCUSS DIVERSITY

Display Transparency 21 A, Cultural Diversity, which shows the ethnic composition of the United States. Ask: **What two ethnic groups were counted in the 1790 census?** (*White and African American*) **What is the fastest growing minority group?** (*Hispanic Americans*) Ask volunteers among your minority students to discuss diversity within their group. For example, what countries of origins are represented among your Asian students? Do individuals consider themselves "Chicano," "Latino," or some other designation? Is the diversity within these groups reflected in different forms of dress, foods, or customs? Be mindful of students' privacy by respecting their decision not to participate. If your class contains no minority students, lead a general class discussion on diversity within minority groups.

Answers

Checkpoint It had no effect on racial discrimination.

Differentiated Resources

The following resources are located in the All-in-One, Unit 5, Chapter 21, Section 1:

- L2** Prereading and Vocabulary Worksheet (p. 192)
- L3** Reading Comprehension Worksheet (p. 196)
- L2** Reading Comprehension Worksheet (p. 197)
- L3** Core Worksheet (p. 198)
- L3** Quiz A (p. 199)
- L2** Quiz B (p. 200)

IDENTIFY BENEFITS/CHALLENGES OF DIVERSITY

Ask: **In what ways might diversity change U.S. politics?** (may lead to varied voting blocs and more diverse groups of candidates and elected officials)

What challenges might growing diversity create?

(possible answers: increased misunderstanding or conflict among people whose social, cultural, and religious beliefs differ; resentment from whites who feel their dominant position threatened) **Is increasing diversity likely to make Americans more or less tolerant? Explain.** (Some may say that having more frequent contact with diverse peoples will increase tolerance; others might argue that greater diversity will cause intolerance or bigotry by introducing people to beliefs or practices that they disagree with or find threatening.)

PREDICT ASSIMILATION PATTERNS

Review the definitions of *discrimination* (prejudice against) and *assimilation* (merge into). Point out that in the early 1900s, Americans often referred to the nation as a “melting pot,” in which immigrants worked hard to assimilate. Today the United States with its many distinctive racial and ethnic groups is instead compared to a “salad bowl” or “marble cake,” in which each of the ingredients retains its separate color, texture, and flavor within the “whole.” Have students write a paragraph answering this question and giving reasons for their opinion: **What will American culture resemble by 2050?**

INTRODUCE THE TOPIC OF DISCRIMINATION

Display Transparency 21B, Preventing Discrimination. Then ask: **What are some situations in which withholding information about a person’s age, gender, and race is appropriate?** (applications for jobs, school, or housing) **What are some situations in which providing this information may be appropriate? Why?** (applying for certain vocational or educational scholarships or medical benefits set aside for particular races or ages; or for certain athletic competitions in which men and women compete separately or in age categories)

Explain that diversity is reflected not only in age, gender, ethnicity, and race, but also in religious beliefs and practices, languages spoken, country of origin, income, marital status, and education. Have students describe situations in which a group might face discrimination based on any of these characteristics. As each is described, have students suggest laws, rules, or procedures that act as protections against discrimination.

Answers

Analyzing Graphs Native Americans, Asians, and any other races that were not White or African American; 15.5 percent



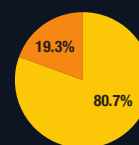
Diversity in the United States

The U.S. Census Bureau divides the American population into groups based on race and Hispanic origin. **Which of these groups were not counted in the 1790 census? What percentage of the population today has Hispanic origins?**

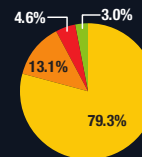


Population by Race and Hispanic Origin

1790



2010*



Hispanic (of any race)
15.5%
of total population

Like African Americans, Native Americans have been the victims of overwhelming discrimination. The consequences of that bias have been appalling, and they remain evident today. Poverty, joblessness, and alcoholism plague many reservations. The Indian Education Act of 1972 attempted to remedy the cycle of continual poverty by providing financial assistance to local educational agencies for Native American children and adult programs. Still, the life expectancy of Native Americans living on reservations today is ten years less than the national average, and the Native American infant mortality rate is one and a half times that of white Americans.

Hispanic Americans Hispanic Americans are those in this country who have a Spanish-speaking background; many prefer to be called Latinos. Hispanics may be of any race. According to the Bilateral Commission on the Future of United States–Mexican Relations, Hispanic Americans “are among the world’s most complex groupings of human beings. [The largest number] are white, millions . . . are mestizo,

nearly half a million in the United States are black or mulatto.”³

Today, Hispanic Americans number some 45 million and they constitute the largest minority group in the United States, having surpassed African Americans around the year 2000. They are also the nation’s fastest-growing population group. Hispanic Americans can generally be divided into four main subgroups:

1. Mexican Americans More than half of all Hispanics in the U.S., at least 29 million persons, were either born in Mexico or trace their ancestry there. Those born in this country of Mexican parents are often called Chicanos.

Most of the Mexican American population lives in the States of California, Arizona, New Mexico, and Texas, but that population is spreading throughout much of the country. A majority of the residents of such large cities as El Paso and San Antonio in Texas are

³ A mestizo is a person with both Spanish or Portuguese and Native American ancestry. A mulatto is a person of African and white ancestry.

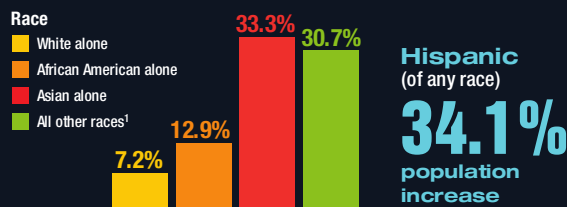
Background

INDIAN EDUCATION ACT The Department of Education recognized that Native Americans had unique educational, linguistic, and cultural academic needs. Thus, the Indian Education Act of 1972 “provides federal assistance in education . . . to help close the gap which now exists between Indian education and the general educational level of the United States. The Act further creates a new Office of Indian Education within the Office of Education. . . . The new Act created the National Advisory Council for Indian Education to provide policy direction and guidance to the Congress and those responsible for implementing the Act. The Council is comprised of 15 Indian or Alaskan Natives appointed by the President from a select list recommended by Indian tribes and organizations throughout the Country.” (*Journal of American Indian Education*: Volume 14, Number 2)



Population Increase, 2000–2010*

Although the population of the United States remains predominantly white, minority populations are growing at a faster rate than the majority population. *What is the rate of growth for Asian Americans? What are the benefits of diversity in a community?*



For both charts:
 *Projected
¹Includes American Indian and Alaska Native alone, Native Hawaiian and Other Pacific Islander alone, and Two or More Races. SOURCE: U.S. Census Bureau

Hispanic today, and such smaller border cities as Laredo and Brownsville in Texas are now over 90 percent Latino.

2. Puerto Ricans Another large group of Hispanics has come to the mainland from the island of Puerto Rico. The population of the United States now includes about four million Puerto Ricans. Most of them have settled in New York and New Jersey, and in other parts of the Northeast.

3. Cuban Americans The Hispanic population also includes some 1.5 million Cuban Americans. They are mostly people who fled the Castro dictatorship in Cuba, and their descendants. A majority of them have settled in Miami and elsewhere in South Florida.

4. Central and South Americans The fourth major subgroup of Hispanic Americans came here from Central and South America, many as refugees. A **refugee** is one who seeks protection (refuge) from war, persecution, or some other danger. More than three million persons have emigrated to the United States from Central and South American countries

over the past 30 years or so; they have arrived in the largest numbers from Nicaragua, El Salvador, Guatemala, Colombia, and Chile. Many have also come from the Dominican Republic, an island nation in the Caribbean.

Asian Americans The story of white America's mistreatment of Asians is a lengthy one, too. Asians have faced discrimination from the first day they arrived. As with all immigrant groups, assimilation into the white-dominated population has been difficult. **Assimilation** is the process by which people of one culture merge into and become part of another.

Chinese laborers were the first Asians to come to the United States in large numbers. They were brought here in the 1850s to 1860s as contract laborers to work in the mines and to build railroads in the West. Many white Americans, both native-born and immigrants, resented the competition of what they called "coolie labor." Their resentments were frequently expressed in acts of violence toward Asians.

Congress brought Chinese immigration to a near halt with the Chinese Exclusion



Tell students to go to the Audio Tour for data on the ethnic composition of the U.S. population and the rate of growth of ethnic populations.

DISTRIBUTE CORE WORKSHEET

Organize students into small groups and distribute the Chapter 21 Section 1 Core Worksheet (Unit 5 All-in-One, p. 198), which asks students to identify historical events and laws that perpetuated or removed discrimination against minority groups in the United States. Ask students to complete the chart based on information in the text and then to answer the Reflection Questions. Point out that the impact of discrimination on each of these groups has varied over time, increasing or decreasing based in part upon historical events as well as government policies. Discuss students' responses to the Reflection Questions, particularly number 3, which focuses on what should be the judiciary's role in battling discrimination.

L2 Differentiate Fill in the first row of the chart for students, ask a volunteer to fill in the second row, and then have students work independently or in pairs to complete the remainder of the chart.

Name _____ Class _____ Date _____

CHAPTER 21 **CORE WORKSHEET**
SECTION 1 **Diversity and Discrimination** **3**

Use information in your textbook to complete the chart below. Then answer the questions that follow.

Minority Group	Historical Event(s) that Influenced Treatment	Government Policies or Laws that Resulted from Historical Events	Effects of Government Policies
African Americans			
Native Americans			
Hispanic Americans			
Asian Americans			

1. Based on this chart, how responsive would you say Congress has been in dealing with discrimination?

2. Why do you think the heterogeneous makeup of the American population will have an important effect on American society, politics, and economics in the years to come?

3. What do you think should be the role of the judiciary in responding to the types of discrimination described in the chart?

4. What does the passage of civil rights and voting rights laws suggest about how public attitudes about discrimination against African Americans have changed over time?

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Background

CHINESE EXCLUSION ACT The Chinese Exclusion Act of 1882 barred Chinese immigrants because "in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities...." Events leading to this discriminatory law began in the mid-1800s when the California Gold Rush drew waves of Chinese immigrants hoping to work in the mines. Many new arrivals found jobs building railroads. In 1870, Chinese laborers agreed to work on the Union Pacific in Wyoming for \$32.50 per month. White workers earned \$52 per month for the same job. White workers resented the competition for jobs and blamed the Chinese for depressing wages. Many Americans also believed that the physical and cultural differences of Asians made assimilation impossible. After the act passed, violence against Chinese people in the United States increased.

Answers

Analyzing Graphs 33.3 percent; possible benefits of diversity: more opportunity for social and cultural exchange and expression; multiple perspectives and skill sets to contribute to business and society; greater variety in music, dance, theater, architectural styles, cuisine, fashion

Checkpoint a person who seeks protection in a new country from war, persecution, or some other danger in the home country

EXTEND THE LESSON

L3 Differentiate Have students research the immigration of refugees from a particular country or countries. Ask them to prepare a report that identifies the country or countries the immigrants came from, why they left their home country, the obstacles they faced in getting out of the country of origin or into the United States, how they obtained refugee status in the United States, and, if known, where large numbers of this group have settled in the United States.

Assess and Remediate

L2 Have students create a timeline showing the history of discrimination against minority groups and women in the United States.

L3 Collect the Core Worksheets and assess the students' work.

L3 Assign the Section 1 Assessment questions.

L3 Section Quiz A (Unit 5 All-in-One, p. 199)

L2 Section Quiz B (Unit 5 All-in-One, p. 200)

Have students complete the review activities in the digital lesson presentation and continue their work in the **Essential Questions Journal**.

Government online

All print resources are available on the Teacher's Resource Library CD-ROM and online at PearsonSuccessNet.com.

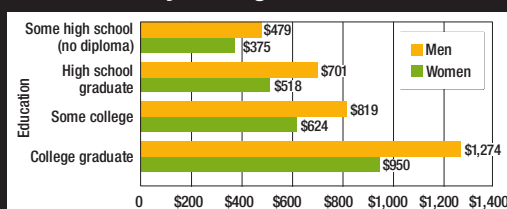
Gender Discrimination

Disparity in Pay

Studies show that women earn less than 80 cents for every dollar earned by men. **What do the cartoon and graph say about equality in the workplace?**



Median Weekly Earnings of Men and Women*



* Data presented for median usual weekly earnings of full-time wage and salary workers, age 25 and over, 2008 first quarter
SOURCE: Bureau of Labor Statistics

virulent
adj. bitterly
antagonistic, spiteful

Act of 1882. Because of this and other government actions, only a very small number of Chinese, Japanese, and other Asians were permitted to enter the United States for more than 80 years.

Early in World War II, the Federal Government ordered the evacuation of all persons of Japanese descent from the Pacific Coast. Some 120,000 people, two thirds of them native-born American citizens, were forcibly removed to inland "war relocation camps." Years later, the government conceded that this action had been both unnecessary and unjust.

Congress made dramatic changes in American immigration policies in 1965. Since then, some ten million Asian immigrants have come to this country, mostly from the Philippines, China, Korea, Vietnam, and India. The term "Asian American" encompasses an ever more diverse population. Asian Americans represent a tremendous variety of languages, religions, and cultures, and many recent immigrants from Asia have little in common with one another.

Today, the Asian American population exceeds 15 million. Asian Americans now live in every part of the United States. They constitute some 40 percent of the population in Hawaii and more than 10 percent of the population in California. New York City boasts the largest Chinese community outside Asia.

Discrimination Against Women

Unlike the several ethnic groups described thus far, women are not a minority in the United States. They are, in fact, a majority group. Still, traditionally in American law and public policy, women have not enjoyed the same rights as men. Their status was even lower, in many instances, than men who were themselves the target of **virulent** discrimination. Women have been treated as less than equal in a great many matters—including, for example, property rights, education, and employment opportunities.

Organized efforts to improve the place of women in American society date from July 19, 1848. On that day, a convention on women's rights met in Seneca Falls, New York, and adopted a set of resolutions that deliberately echoed the words of the Declaration of Independence. It began:

PRIMARY SOURCE

When, in the course of human events, it becomes necessary for one portion of the family of man to assume among the people of the earth a position different from that which they have hitherto occupied, . . . We hold these truths to be self-evident: that all men and women are created equal . . .

—Declaration of Sentiments, 1848

Background

ANTISLAVERY AND WOMEN'S RIGHTS The antislavery movement spurred the women's rights movement, as many abolitionists were women. At the second women's rights convention, which was held in 1850 at Salem, Ohio, speaker J. Elizabeth Jones noted: "It is not Woman's *Rights* of which I design to speak, but of Woman's *Wrongs*. I shall claim nothing for ourselves because of our sex—I shall demand the recognition of no rights on the ground of our womanhood. In the contest which is now being waged in behalf of the enslaved colored man in this land, I have yet to hear the first word in favor of his rights as a colored man; the great point which is sought to be established is this, that the colored man is a human being, and as such, entitled to the free exercise of all the rights which belong to humanity. And we should demand our recognition as equal members of the human family. . . ."

Answers

Analyzing Graphs Sample answer: Women have not yet achieved equality in the workforce based on pay.

Those who fought and finally won the long struggle for women's suffrage believed that, with the vote, women would soon achieve other basic rights. That assumption proved to be false. Although more than 51 percent of the population is now female, women have held only a minor fraction of the nation's top public offices since 1789.

Even today, women hold little more than 15 percent of the 535 seats in Congress and a little less than 25 percent of the 7,382 seats in the 50 State legislatures. Less than one sixth of the 50 State governors today are female. Women are also hugely underrepresented at the upper levels of corporate management and other power groups in the private sector. Fewer than 20 percent of the nation's doctors, lawyers, and college professors are women.

It is illegal to pay women less than men for the same work. The Equal Pay Act of 1963 requires employers to pay men and women the same wages if they perform the same jobs in the same establishment under the same working conditions. The Civil Rights Act of 1964 also prohibits job discrimination based on sex. Yet, more than 45 years after Congress passed those laws, working women earn, on the average, less than 80 cents for every dollar earned by working men. See the cartoon and graph on page 616.

Women earn less than men for a number of reasons—including the fact that the male

workforce is, overall, better educated and has more job experience than the female workforce. (Note that these factors themselves can often be traced to discrimination.) In addition, some blame the so-called "Mommy track," in which women put their careers on hold to have children or work reduced hours to juggle child-care responsibilities. Others claim that a "glass ceiling" of discrimination in the corporate world and elsewhere, invisible but impenetrable, prevents women from rising to their full potential.

Certainly it is true that until quite recently women were limited to a fairly narrow range of jobs. In many cases, women were encouraged not to work outside the home once they were married. Even now, many jobs held by women are in low-paying clerical and service occupations. The Bureau of Labor Statistics reports that 97 percent of all secretaries today are women; so too are 95 percent of all child-care workers, 92 percent of all registered nurses, 92 percent of all bookkeepers and auditing clerks, 92 percent of all hairdressers and cosmetologists, and 89 percent of all dieticians and nutritionists.

Efforts on behalf of equal rights for women have gained significant ground in recent years. But, recall, that ground has not included an Equal Rights Amendment to the Constitution.

Checkpoint
What was the significance of the Declaration of Sentiments?

REMEDIATION

If Your Students Have Trouble With	Strategies For Remediation
Diversity and the ethnic composition of the United States (Questions 1, 2, 4, 6)	Have students describe in a journal entry how they think the increasing heterogeneous nature of American society will affect the social, political, or economic life of the United States.
History of discrimination against minority groups (Questions 1, 3, 5, 7)	Ask students to write a true or false quiz with ten questions concerning discrimination of minority groups and women. Have students exchange and complete one another's quizzes.

SECTION 1 ASSESSMENT

Essential Questions Journal To continue to build a response to the chapter Essential Question, go to your Essential Questions Journal.

1. **Guiding Question** Use your completed graphic organizer to answer this question: How have various minority groups in American society been discriminated against?
5. (a) Identify and describe two laws intended to improve women's wages. (b) Summarize three reasons why women still earn less than men.

Key Terms and Comprehension

2. Who are **immigrants**?
3. What event and which amendment ended slavery in the United States?
4. How are **refugees** similar to and different from other **immigrants**?

Critical Thinking

6. **Predict Consequences** (a) What is assimilation? (b) What could be the consequences of assimilation on a minority group?
7. **Express Problems Clearly** (a) What problems have Native Americans faced? (b) Does the Federal Government have a responsibility to remedy this situation? Why or why not?

Quick Write

Problem-Solution Essay: Identify a Problem Scan the chapter for a challenge that immigrants, minority Americans, or women face. Write a summary paragraph or two that includes a statement of the problem or challenge and an explanation of why and for whom it is a problem. Look at society as a whole as you consider the matter.

Assessment Answers

1. African American slavery and ongoing discrimination; Native Americans driven from lands by settlers and military and moved to reservations; violence against Chinese immigrant workers in mid-1800s; Chinese Exclusion Act stopped almost all Chinese immigration; Japanese relocation camps during World War II
2. aliens legally admitted as permanent residents
3. Civil War and 13th Amendment
4. **refugees**: forced to leave home country

because of war, persecution, or other danger; **immigrants**: leave home country, but do so voluntarily without seeking refuge

5. (a) **Equal Pay Act of 1963**: employers must pay men and women the same wages if they perform the same jobs in the same establishment under the same working conditions; **Civil Rights Act of 1964**: prohibits job discrimination based on sex (b) Male workforce is, overall, better educated with more experience; women put careers on hold to raise children; "glass ceiling" prevents women from rising to full potential.

Answers

Checkpoint It was a set of resolutions at the first organized effort to improve the place of women in American society.

6. (a) process by which people of one culture merge into and become part of another culture (b) may lose cultural history, identity, and values
7. (a) poverty, joblessness, alcoholism, lower life expectancy, higher infant mortality (b) Answers will vary.

QUICK WRITE Remind students to consider the cascading effects on society, such as intolerance or fear, associated with the problem or challenge they identify.

GUIDING QUESTION

How has the interpretation of the guarantee of equal rights changed over time?

Equal Protection Clause:

14th Amendment; no State shall deny to any person the equal protection of the laws

Reasonable Classification:

government may classify, but not unreasonably

Rational Basis Test

classification must be reasonably related to achieving proper government purpose

Strict Scrutiny Test:

in equal protection cases involving fundamental rights or suspect classifications, a "compelling government interest" must justify class distinctions

Separate-but-Equal Doctrine:

ruling in *Plessy v. Ferguson* that segregation does not violate equal protection if the separate facilities are equal

De Jure, De Facto Segregation:

de jure: segregation authorized by law; de facto: segregation that exists in fact, even if no law requires it

Get Started

LESSON GOALS

Students will . . .

- understand how the Supreme Court interprets "equal protection of the laws" by analyzing and applying the tests it uses to decide cases.
- trace the history of segregation in public schools by creating a timeline of cases related to school integration.
- examine changing attitudes about school integration by evaluating a political cartoon on this topic.

SKILLS DEVELOPMENT

ANALYZE TIMELINES

Before students create a timeline of civil rights in this section, you may want to review information on analyzing timelines in the Skills Handbook, p. S29.

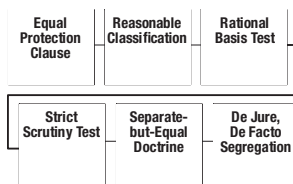
SECTION 2

Equality Before the Law



Guiding Question

How has the interpretation of the guarantee of equal rights changed over time? Use a flowchart like the one below to take notes on the section.



Political Dictionary

- rational basis test
- strict scrutiny test
- segregation
- Jim Crow
- separate-but-equal doctrine
- integration
- de jure
- de facto

Objectives

1. Explain the importance of the Equal Protection Clause.
2. Describe the history of segregation in America.
3. Examine how classification by gender relates to discrimination.

Image Above: The statue *Freedom*, atop the nation's Capitol

The huge bronze statue of *Freedom* has stood atop the nation's Capitol in Washington, D.C., for about 150 years now. That bold figure is meant to symbolize the basic ideas upon which the United States exists—the concepts of individual liberty, of self-government, and of equal rights for all.

The irony is that records recently unearthed by the Architect of the Capitol show that at least 400 slaves worked on the construction of the Capitol from 1792 to its opening in 1800. And that those slaves cast the huge sculpture of *Freedom*, and even hoisted it atop the new building. Those old documents also record payments to several local slave owners—for example, "To Joseph Forest, for the hire of the Negro Charles." The owners were paid \$5 a month for each slave who worked on the project.

Equal Protection Clause

The equality of all persons, proclaimed so boldly in the Declaration of Independence, is not set out in so many words in the Constitution. Still, that concept pervades the document.

The closest approach to a literal statement of equality is found in the 14th Amendment's Equal Protection Clause. It declares that "No State shall . . . deny to any person within its jurisdiction the equal protection of the laws."

Those words, added to the Constitution in 1868, were originally meant to benefit newly freed slaves. Over time, they have come to mean that the States (and their local governments) cannot draw unreasonable distinctions between any classes of persons. The Supreme Court has often held that the 5th Amendment's Due Process Clause puts the same restriction on the Federal Government.

Reasonable Classification Government must have the power to classify, to draw distinctions between persons and groups. Otherwise, it could not possibly regulate human behavior. That is to say, government must be able to *discriminate*—and it does. For example, those who rob banks fall into a special class, and they receive special treatment by government. Clearly, that sort of discrimination is reasonable.

Focus on the Basics

FACTS: • The 14th Amendment guaranteed "equal protection of the laws" to all Americans in 1868, yet many States adopted laws allowing race- and gender-based discrimination. • The Supreme Court established the separate-but-equal doctrine in *Plessy v. Ferguson*, but then reversed it in *Brown v. Board of Education*. • Since 1971, most laws that treat women differently from men have been successfully challenged in the courts.

CONCEPTS: individual rights and responsibilities, equal protection

ENDURING UNDERSTANDINGS: • The Constitution describes the equality of all persons in general terms, but the concept pervades the document. • The nation has not yet achieved complete integration of educational systems, but legally enforced racial segregation in public life has been eliminated.

Government may not discriminate *unreasonably*, however. Every State taxes the sale of cigarettes, and so taxes smokers but not non-smokers. No State can tax only blonde smokers, however, or only male smokers.

Over time, the Supreme Court has rejected many equal protection challenges to a wide variety of actions by government. More often than not, however, the Supreme Court has found that what those governments have done is, in fact, constitutional.

The Rational Basis Test The Supreme Court most often decides equal protection cases by applying a standard known as the **rational basis test**. This test asks: Does the classification in question bear a reasonable relationship to the achievement of some proper governmental purpose?

A California case, *Michael M. v. Superior Court*, 1981, illustrates that test. California law says that a man who has sexual relations with a girl under 18 to whom he is not married can be prosecuted for statutory rape. However, the girl cannot be charged with that crime, even if she is a willing partner. The Court found the law to bear a reasonable relationship to a proper public policy goal: preventing teenage pregnancies.

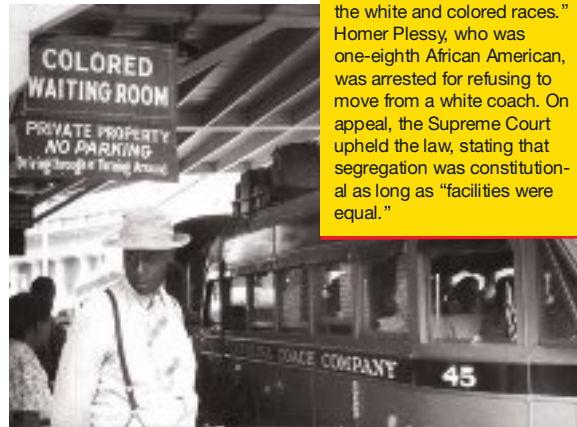
The Strict Scrutiny Test The Court imposes a higher standard in some equal protection cases, however. This is especially true when a case deals with (1) such “fundamental rights” as the right to vote, the right to travel between the States, or 1st Amendment rights; or (2) such “suspect classifications” as those based on race, sex, or national origin.

In these instances, the Court has said that a law must meet a higher standard than the rational basis test: the **strict scrutiny test**. A State must be able to show that some “compelling governmental interest” justifies the distinctions it has drawn between classes of people. Thus, in an alimony case, *Orr v. Orr*, 1979, an Alabama law that made women but not men eligible for alimony was held unconstitutional, as a denial of equal protection—because the law’s distinction between men and women did not serve any compelling governmental interest.

Segregation by Race

Beginning in the late 1800s, nearly half the States—including some outside the South—passed racial segregation laws. Used in this context, **segregation** refers to the separation of one group from another on the basis of race. Most of those statutes were **Jim Crow laws**—laws aimed at African Americans in particular. Some were also drawn to affect Mexican Americans, Asian Americans, and Native Americans. They regularly required segregation by race in the use of both public and private facilities: schools, parks and playgrounds, hotels and restaurants, streetcars and railroads, public drinking fountains, restrooms, and cemeteries. Many also prohibited interracial marriages.

The Separate-but-Equal Doctrine The Supreme Court provided a constitutional basis for Jim Crow laws by creating the **separate-but-equal doctrine** in 1896. In *Plessy v. Ferguson*, the Court upheld a Louisiana law that required segregation in railroad coaches. It ruled that the law did not violate the Equal Protection Clause because the *separate* seating provided for African Americans was *equal* to the seating provided for whites.



SUPREME COURT at a glance

- ▶ **Case:** *Plessy v. Ferguson*, 1896
- ▶ **Issues:** equal protection, constitutionality of segregation
- ▶ **Decision:** A Louisiana law stated that railway companies had to “provide equal but separate accommodations for the white and colored races.” Homer Plessy, who was one-eighth African American, was arrested for refusing to move from a white coach. On appeal, the Supreme Court upheld the law, stating that segregation was constitutional as long as “facilities were equal.”

Chapter 21 • Section 2 619

Checkpoint
What were Jim Crow laws?

BEFORE CLASS

Assign the section, the graphic organizer in the text, and the Reading Comprehension Worksheet (Unit 5 All-in-One, p. 201) before class.

L2 Differentiate Reading Comprehension Worksheet (Unit 5 All-in-One, p. 203)

BELLRINGER

Write on the board: **“Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. . . . The humblest is the peer of the most powerful.”** —Justice John Marshall Harlan, dissenting in *Plessy v. Ferguson*, 1896

L2 ELL Differentiate Explain that one meaning of the word *peer* is “equal.”

Teach

To present this topic using online resources, use the lesson presentations at **PearsonSuccessNet.com**.

DISCUSS THE BELLRINGER

Ask: **Why is the Constitution “color-blind”?** (*Its laws are to be applied equally, regardless of a person’s race or ethnicity.*) Have students paraphrase the second sentence. (*Poor people have the same rights as rich people.*)

COMPARE RATIONAL BASIS TO STRICT SCRUTINY

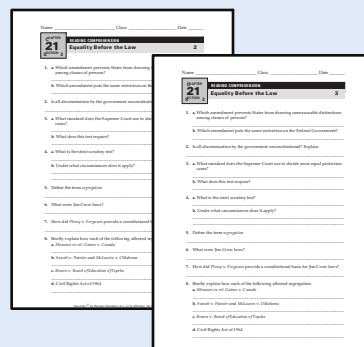
On the board, draw a T-chart like the one below. Have students compare and contrast the two tests the Supreme Court uses to decide whether a law is discriminatory toward one classification (group) or provides equal protection.

Rational Basis Test	Strict Scrutiny Test
<ul style="list-style-type: none"> • least strict or lowest level of scrutiny • Questions considered: Is there a good reason for this law? Does applying this law meet a legitimate or reasonable social or economic purpose that is a goal of government? • The Court rarely overturns legislation using the rational basis test. 	<ul style="list-style-type: none"> • most strict or highest level of scrutiny • Questions considered: Does the law infringe on a fundamental or basic constitutional right? Does the law or policy include a “suspect” or suspicious classification based on race, gender, or national origin? If so, the law is invalid unless the government can show it serves a compelling governmental interest, such as national security. • The Court often overturns laws using the strict scrutiny test.

Differentiated Resources

The following resources are located in the All-in-One, Unit 5, Chapter 21, Section 2:

- L3** Reading Comprehension Worksheet (p. 201)
- L2** Reading Comprehension Worksheet (p. 203)
- L3** Core Worksheet (p. 205)
- L3 L4** Extend Worksheet (p. 207)
- L3** Quiz A (p. 209)
- L2** Quiz B (p. 211)



Answers

Checkpoint laws that required segregation by race in public and private facilities

APPLY RATIONAL BASIS AND STRICT SCRUTINY

Read aloud the following laws or cases and ask students to determine which test the Court would use to analyze them under the Equal Protection Clause. Have students explain their answers.

1. **Seatbelts are mandatory.** (*rational basis; social goal of safety*)
2. **Japanese Americans must relocate to internment camps.** (*strict scrutiny; suspect classification discriminates against national origin and denies freedom of movement; ruling upheld based on national security*)
3. **Virginia law makes interracial marriages illegal.** (*strict scrutiny; suspect classification discriminates against race; law overturned*)
4. **The legal drinking age is changed to 21 years old.** (*rational basis; social goals of health and safety*)
5. **A State law excludes women from jury duty.** (*strict scrutiny; suspect classification discriminates against gender; law overturned because it served no compelling governmental interest*) NOTE: Explain to students that cases involving women's rights were analyzed under the rational basis test from 1789 to the 1970s. The Court followed social norms, which assumed it was rational to protect women and keep them in their "proper sphere."
6. **A white male fights affirmative action policies of law school registration.** (*strict scrutiny; suspect classification discriminates against race*)
7. **Law requires States to use social security numbers when administering welfare benefits.** (*rational basis; economic regulation*)
8. **U.S. Forest Service harvests timber in the National Forest, which disturbs Native American burial grounds.** (*rational basis; economic goal of utilizing federal lands; Court decided that the case did not interfere with fundamental religious rights of Native Americans and so did not warrant strict scrutiny.*)

L4 Differentiate Have students research *Korematsu v. United States* (case 2 above), one of the few cases in which the Court allowed a suspect classification to stand. Have students answer these questions: **What justification did the majority give for its decision to allow race-based classification? What was the suspect classification in this case? Do you think the action would pass the strict scrutiny test today? Why or why not?**

Answers

Checkpoint Schools had to desegregate.

The doctrine was soon extended to other fields. And it stood, largely unchallenged, for nearly 60 years.

Early Challenges The Supreme Court first began to chip away at the separate-but-equal doctrine in *Missouri ex rel. Gaines v. Canada* in 1938. Lloyd Gaines, an African American, was denied admission to the law school at the all-white University of Missouri. Gaines was fully qualified for admission—except for his race. The State did not have a separate law school for African Americans. However, it did offer to pay his tuition at a public law school in any of the four neighboring States, which did not discriminate by race. Gaines, however, insisted on a legal education in his home State.

The Court held that the separate-but-equal doctrine left Missouri with two choices: admit Gaines to the State's one law school or establish a separate-but-equal school for him. The State gave in. Gaines was admitted to the university's law school.

Over the next several years, the Court began to insist on equality of separate facilities. Thus, in 1950 the Court decided two major cases in line with its holding in Gaines: *Sweatt v. Painter* and *McLaurin v. Oklahoma*. Both cases involved African American university students for whom a State had provided separate educational facilities. The Court found that, in both instances, those separate facilities were, in fact, far from equal. Still, in neither of these cases did the Court reexamine the validity of the separate-but-equal doctrine.

Brown v. Board of Education Finally, in 1954, the Court reversed *Plessy v. Ferguson*. In *Brown v. Board of Education of Topeka*, it struck down the laws of four States requiring or allowing separate public schools for white and African American students.⁴

Unanimously, the Court held segregation by race in public education to be invalid:

⁴ Kansas, Delaware, South Carolina, and Virginia. On the same day, the High Court also struck down racially segregated public schools in the District of Columbia as a violation of the 5th Amendment, *Bolling v. Sharpe*, 1954.

“ PRIMARY SOURCE

Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

... To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone. ... Separate educational facilities are inherently unequal.

—Chief Justice Earl Warren

In 1955 the Court directed the States to make “a prompt and reasonable start” to end segregation and to accomplish that goal “with all deliberate speed.”

A “reasonable start” was made in Baltimore, Louisville, St. Louis, and elsewhere. In most of the Deep South, however, “massive resistance” soon developed. State legislatures passed laws, and school boards worked to block **integration**—the process of desegregation, of bringing a previously segregated group into the mainstream of society. Most of those efforts were clearly unconstitutional, but challenging them in court proved both costly and slow.

The pace of desegregation quickened after Congress passed the Civil Rights Act of 1964. That act forbids the use of federal funds to aid any State or local activity in which racial segregation is practiced. It also directs the Justice Department to file suits to prompt desegregation actions.

The Supreme Court hastened the process in 1969. In a case from Mississippi, *Alexander v. Holmes County Board of Education*, it ruled that, after 15 years, the time for “all deliberate speed” had ended. Said a unanimous Court: “Continued operation of segregated schools under a standard allowing for ‘all deliberate speed’ . . . is no longer constitutionally permissible.”

Background

JIM CROW LAWS From the 1880s into the 1960s, many States enacted Jim Crow laws to promote racial segregation. Here are some samples. “No person . . . shall require any white female nurse to nurse in wards . . . in which negro men are placed.” (Alabama) “[I]t shall be unlawful for any amateur colored baseball team to play baseball in any vacant lot or baseball diamond within two blocks of any playground devoted to the white race.” (Georgia) “Books shall not be interchangeable between white and colored schools . . .” (North Carolina) “Any instructor who shall teach in any school . . . where members of the white and colored race are . . . enrolled . . . shall be guilty of a misdemeanor . . .” (Oklahoma) “Any person . . . who shall be guilty of printing, publishing or circulating . . . matter urging or presenting . . . arguments or suggestions in favor of social equality . . . shall be guilty of a misdemeanor.” (Mississippi)

De Jure Segregation

When the Supreme Court held separate-but-equal facilities to be constitutional in *Plessy* in 1896, the States had the law on their side. Jim Crow laws, named for a character in minstrel shows, limited voting rights and required separate facilities for African Americans. Similar laws legalized Mexican American segregation in Texas and throughout the Southwest. **What federal law quickened the pace of desegregation?**



De Jure, De Facto Segregation By the fall of 1970, school systems characterized by **de jure** segregation—segregation authorized by law—had been abolished. That is not to say that desegregation had been fully accomplished, however—far from it.⁵

Many recent integration controversies have arisen in places where the schools have never been segregated by law. They have occurred, instead, in communities in which **de facto** segregation has long been present, and continues. **De facto** segregation is segregation that exists in fact, even if no law requires it. Housing patterns have most often been its major cause. The concentration of African Americans in certain sections of cities inevitably led to local school systems in

which the student bodies of some schools are largely African American. That condition is quite apparent in many northern as well as southern communities today.

Efforts to desegregate those school systems have taken several forms over recent decades. Thus, for example, school district lines have been redrawn and the busing of students out of racially segregated neighborhoods has been tried. Those efforts have brought strong protests in many places and violence in some of them.

The Court first **sanctioned** busing in a North Carolina case, *Swann v. Charlotte-Mecklenburg Board of Education*, 1971. There it held that: “Desegregation plans cannot be limited to the walk-in school.” Busing has been used since then to increase the racial mix in many school districts across the country—in some by court order, in others voluntarily.

In recent years, a growing number of school systems have turned to **socioeconomic** status—

sanction
v. to authorize or permit

socioeconomic
adj. social and economic

⁵ Some States, several school districts, and many parents and private groups sought to avoid integrated schools through established or, often, newly created private schools. On this point, see the Court’s holding in *Runyon v. McCrary*, 1976, page 584.

Background

INTEGRATING CENTRAL HIGH Ernest Green, the first black student to graduate from Central High School in Little Rock, Arkansas, recalled his experience: “The *Brown* decision made me feel that the U.S. Constitution was finally working for me. . . . I could believe I was a full citizen, not a second class citizen as segregation had made me feel. . . . Initially, a number of students signed up to enroll, but . . . only nine . . . survived the pressure to quit. . . . [W]hen we tried to attend school, we were met by an angry white mob and armed soldiers. . . . Finally, President Dwight Eisenhower called out the [army] to protect us. . . . Once we got inside, it was like being in a war zone. We were harassed, our books were destroyed. . . . [At graduation] I knew that not only had I achieved something for myself, but I had broken a barrier as well.” (Ernest Green, *Perspectives: Readings on Contemporary American Government*)

ANALYZE A MAP OF SEGREGATION LAWS

Display Transparency 21C, Segregation in 1954. Then ask:

- How did historical events influence the pattern of segregation? (Prior to and during the Civil War, antislavery sentiment was strong in the North. Slavery was critical to the economy of the South, and race-based discrimination was a social norm. After slavery was abolished, State laws mandating segregation continued.)
- Where would you expect **de jure** segregation to be strongest? (in the South)
- Why do you think the States had many different policies on segregation? (Policies reflected local conditions and attitudes toward segregation.)
- How did the Court’s decision in the *Brown* case change the pattern of regional variations in laws on segregation? (made all forms of **de jure** segregation illegal)
- Do you think voluntary desegregation would have occurred over time? Why or why not?

CREATE A TIMELINE OF CIVIL RIGHTS

Organize students into six groups to create an illustrated timeline of civil rights. Assign each group one of the cases below. Groups should research, illustrate, and write an extended caption that describes the issues of the case and how it changed the interpretation of “equal protection.”

- *Plessy v. Ferguson*, 1896 (ruled that 14th Amendment guarantee of equal protection required equal public facilities for the two races, not equal access to the same facilities)
- *Missouri ex rel. Gaines v. Canada*, 1938 (acknowledged that separate schools were not equal; required Missouri to admit Gaines to the State’s one law school or establish a separate but equal school for Gaines)
- *Sweatt v. Painter*, *McLaurin v. Oklahoma*, 1950 (determined that separate educational facilities were not equal)
- *Brown v. Board of Education*, 1954 (overruled *Plessy v. Ferguson*; ruled that racial segregation was inherently unequal)
- *Alexander v. Holmes County Board of Education*, 1969 (required States to stop delaying and act more aggressively to end segregation; time for “all deliberate speed” was over)
- *Swann v. Charlotte-Mecklenburg Board of Education*, 1971 (allowed use of busing to increase racial diversity in public schools)

Answers

Caption Civil Rights Act of 1964


DISTRIBUTE CORE WORKSHEET

Distribute the Chapter 21 Section 2 Core Worksheet (Unit 5 All-in-One, p. 205). The worksheet shows a cartoon about school integration. Explain that students will analyze a political cartoon that focuses on the impact of the Supreme Court's desegregation order in *Brown v. Board of Education*.

Name _____ Class _____ Date _____

CHAPTER 21 **CORE WORKSHEET**
Section 2 **Equality Before the Law** **3**

Study the cartoon below and then answer the questions that follow.



1. This cartoon appeared in 1977. What is the cartoonist saying?

2. To what does the title refer, and why do you think the cartoonist chose this title for the cartoon?

3. Does this cartoon depict de jure segregation or de facto segregation? Explain.

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L2 Differentiate Ask: **What does the title mean?** (*Desegregation is occurring little by little.*) **What does the doorway lead to?** (*a desegregated classroom*) **What race of students is trying to open the door?** (*African American students*)

L4 Differentiate Ask students to point out all the symbolism used in the cartoon.

EXTEND THE LESSON

L3 L4 Have students complete the Chapter 21 Extend Worksheet (Unit 5 All-in-One, p. 207), which compares the dissenting opinion of Justice Harlan in *Plessy v. Ferguson* with the majority opinion of Chief Justice Earl Warren in *Brown v. Board of Education of Topeka*.

Answers

Checkpoint in the 19th Amendment, which forbids denial of the right to vote “on account of sex”

Checkpoint
Where does the Constitution specifically reference gender?

in particular, to income rather than race—in assigning students to schools within the district. That is, they have tried to promote schools with economically diverse student bodies. The results appear to be promising, both in terms of maintaining integrated schools and in improving the performance of disadvantaged students.

Segregation in Other Fields

Public schools have not been fully integrated. But legally enforced racial segregation in all other areas of life has been eliminated. In the process, many State and local laws have either been repealed or they have been struck down by the courts.

The Supreme Court took a leading role in that process—holding in a number of cases that segregation by race is unconstitutional in other areas as well. Thus, it has held that the 14th Amendment's Equal Protection Clause forbids segregation in public swimming pools and all other public recreational facilities, *Baltimore v. Dawson*, 1955; local transportation, *Gayle v. Browder*, 1956; and State prisons and local jails, *Lee v. Washington*, 1968.⁶ The High Court struck down all State miscegenation laws (statutes forbidding interracial marriages) in *Loving v. Virginia*, 1967.

Classification by Gender

The Constitution speaks of the civil rights of “the people,” “persons,” and “citizens.” Nowhere does it make its guarantees only to “men” or separately to “women.” Its only reference to gender is in the 19th Amendment, which forbids denial of the right to vote “on account of sex.” Gender has long been used as a basis of classification in the law, however. That practice reflected society's long-held view of the “proper” role of women. Most often, laws that treated men and women differently were intended to protect “the weaker sex.” Over the years, the Court read that view into the 14th Amendment.

⁶ *Gayle v. Browder* stemmed from the lengthy bus boycott in Montgomery, Alabama—the event that first brought Dr. Martin Luther King, Jr., to national attention.



▲ In response to *United States v. Virginia*, 1996, women now attend the Virginia Military Institute.

First Tests In the first case to challenge sex discrimination, *Bradwell v. Illinois*, 1873, the Court upheld a State law barring women from the practice of law. In that case, Justice Joseph P. Bradley wrote that:

PRIMARY SOURCE

The civil law, as well as nature herself, has always recognized a wide difference in the respective spheres and destinies of man and woman. Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life.

—Concurring Opinion

Even as late as 1961, in *Hoyt v. Florida*, the Court could find no constitutional fault with a law that required men to serve on juries, but gave women the choice of serving or not.

Circumstances Today Matters are far different today. The Court now takes a very close look at cases involving claims of sex discrimination. It first did so in *Reed v. Reed*, 1971; there, it struck down an Idaho law that

Teacher-to-Teacher Network

ALTERNATE LESSON PLAN Have your students read Dr. Martin Luther King, Jr.'s “I Have a Dream” speech and his “Letter From Birmingham Jail.” Students can work in groups to identify reasons why mainstream society wanted to take segregation slowly, and reasons why King wanted to speed up the process.

To see this lesson plan, go to



gave fathers preference over mothers in the administration of their children's estates.

Since then, the Supreme Court has found a number of sex-based distinctions to be unconstitutional. In *Taylor v. Louisiana*, 1975, it held that the Equal Protection Clause forbids the States to exclude women from jury service. Among other examples of that line of cases, it struck down an Oklahoma law that prohibited the sale of beer to males under 21 and to females under 18, *Craig v. Boren*, 1976. It also found the practice of refusing to admit women to the rigorous citizen-soldier program offered by a public institution, the Virginia Military Institute, to be constitutionally unacceptable, *United States v. Virginia*, 1996.

The Court's changed attitude in cases involving sex-based discrimination was put this way in the majority opinion in *Frontiero v. Richardson* in 1973:⁷

⁷ In this case, the Court for the first time struck down a federal law providing for sex-based discrimination, as a violation of the 5th Amendment's Due Process Clause. That law gave various housing, medical, and other allowances to a serviceman for his wife and other dependents, but it made those same allowances available to a servicewoman only if her husband was dependent on her for more than half of his support.

PRIMARY SOURCE

There can be no doubt that our Nation has had a long and unfortunate history of sex discrimination. Traditionally, such discrimination was rationalized by an attitude of 'romantic paternalism' which, in practical effect, put women, not on a pedestal, but in a cage.

—Justice William J. Brennan, Jr.

Not all sex-based distinctions are unconstitutional, however. The Court has upheld a Florida law that gives an extra property tax exemption to widows, but not to widowers, *Kahn v. Shevin*, 1974; an Alabama law forbidding women to serve as prison guards in all-male penitentiaries, *Dothard v. Rawlinson*, 1977; and the federal selective service law that requires only men to register for the draft and excludes women from any future draft, *Rostker v. Goldberg*, 1981.

In effect, these cases say this: Classification by gender is not in and of itself unconstitutional. However, laws that treat men and women differently will be overturned by the courts unless (1) they are intended to serve an "important governmental objective" and (2) they are "substantially related" to achieving that goal.

Checkpoint
What does the Court say today about gender-based discrimination?

SECTION 2 ASSESSMENT

1. Guiding Question Use your completed graphic organizer to answer this question: How has the interpretation of the guarantee of equal rights changed over time?

Key Terms and Comprehension

- 2. (a) What does the 14th Amendment's Equal Protection Clause say? (b) To whom was it originally directed?
- 3. (a) What two tests does the High Court use when deciding equal protection cases? (b) How do the tests differ? (c) Summarize two cases that illustrate those tests.
- 4. (a) What is **integration**? (b) Which Supreme Court case led to public school integration?
- 5. (a) What is the difference between **de jure** and **de facto** segregation?

(b) What actions have school systems taken, voluntarily or otherwise, to end de facto segregation?

Critical Thinking

- 6. **Draw Conclusions** (a) Why do you think the Supreme Court was vague about the time frame in which to end segregation ("with all deliberate speed")? (b) How did the Civil Rights Act of 1964 speed up the process of integration?
- 7. **Recognize Bias** (a) What do you suppose Justice Bradley meant by separate "spheres and destinies of man and woman"? (b) Which gender-based distinctions are considered constitutional today? (c) Do you agree or disagree with those distinctions?

Essential Questions Journal To continue to build a response to the chapter Essential Question, go to your Essential Questions Journal.

Quick Write

Problem-Solution Essay: Consider Solutions Use the problem you identified in Section 1 and research possible solutions to that problem. What solutions have been tried successfully? Unsuccessfully? In a chart, evaluate the pros and cons of each solution.

Assessment Answers

- 1. Historically, *equal rights* applied only to white males. Today the phrase applies to minorities and women as well.
- 2. (a) "No State shall . . . deny to any person within its jurisdiction the equal protection of the laws." (b) newly freed slaves
- 3. (a) rational basis and strict scrutiny (b) rational basis applied to cases that achieve a governmental purpose or public policy goal; strict scrutiny applied to cases about fundamental

rights or suspect classifications (c) *Michael M. v. Superior Court*, 1981, based on goal of preventing teenage pregnancies; *Orr v. Orr*, 1979, alimony only for women held unconstitutional, does not serve compelling governmental interest

- 4. (a) process of desegregation (b) *Brown v. Board of Education of Topeka*, 1954
- 5. (a) de jure: segregation by law; de facto: segregation in fact, even if no law requires it (b) school district lines redrawn, students bused out of segregated neighborhoods, assigning students to schools based on socioeconomic status to achieve economic diversity

Assess and Remediate

- L3 Collect the Core Worksheet and assess students' work.
- L3 Assign the Section 2 Assessment questions.
- L3 Quiz A (Unit 5 All-in-One, p. 209)
- L2 Quiz B (Unit 5 All-in-One, p. 211)

Have students complete the review activities in the digital lesson presentation and continue their work in the **Essential Questions Journal**.

REMEDIATION

If Your Students Have Trouble With	Strategies For Remediation
Understanding equal protection issues (Questions 1, 2, 3)	Have students select five cases in the Supreme Court Glossary and determine which test the Court would use to analyze them under the Equal Protection Clause. Remind students that economic or social regulations generally fall under the rational basis test; constitutional or racial issues receive strict scrutiny.
History and types of segregation (Questions 4, 5, 6)	Have students illustrate a "path" of desegregation, beginning with <i>Plessy v. Ferguson</i> and citing the cases and acts in this section.
Gender-based discrimination (Question 7)	Ask students to modernize the "separate spheres" argument by finding photos or drawings showing then and now images of women in the home, school, workplace, sports, and so on. Students should label the visuals with cases that expanded women's rights.

Answers

Checkpoint It must serve an "important governmental objective" and be "substantially related" to achieving that goal.

- 6. (a) possible answer: to allow local communities time to develop orderly plans to implement desegregation smoothly (b) forbade the use of federal funds to any State or local activity in which racial segregation was practiced
 - 7. (a) possible answer: each gender group has its own place in society (b) extra property tax exemption to widows, women forbidden to serve as prison guards in all-male penitentiaries, women excluded from the draft (c) Answers will vary.
- QUICK WRITE** Remind students to list both strengths and weaknesses of possible solutions.

Get Started

LESSON GOAL

- Students will examine the Supreme Court case *Brown v. Board of Education* by analyzing the arguments from both sides and considering initial reactions to the Court's ruling.

BEFORE CLASS

Have students read the feature as homework or at the beginning of class.

Teach

STUDY AND BRAINSTORM ARGUMENTS

Have volunteers read aloud the arguments in the text for Brown and then for the Board of Education. Ask: **Which single argument would most compel you to support one side or the other? Why?** Then ask students to brainstorm additional arguments for Brown, and list these on the board. Do the same for Board of Education. The 14th Amendment states that people should be treated equally; it does not state that people should be treated the same. Ask: **How would you refute each argument from the opposing side?**

Is Segregation in Schools Constitutional?

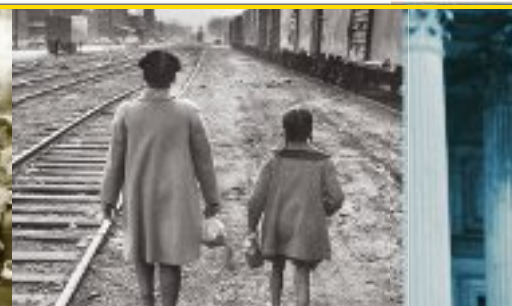
The Supreme Court ruled unanimously that it was not. Third-grader Linda Brown who lived in Topeka, Kansas, had to walk a mile through a dangerous railroad yard and then take a bus to get to school. There was another school much closer to her home, but school officials would not allow her to attend that school because it was reserved for white students only. Separate elementary schools for whites and nonwhites were maintained by Topeka's Board of Education.

Oliver Brown, Linda's father, turned to the local chapter of the National Association for the Advancement of Colored People (NAACP) for help. The Topeka chapter of the NAACP believed it had the "right plaintiff at the right time," and used Brown's complaint, along with those of 13 other African American parents in Topeka, to take the case for school desegregation to the United States District Court for the District of Kansas. In the early 1950s, segregation of the races was legal, and in some States, required. Kansas gave local school districts a choice of integrating their schools. Like many States at the time, however, it chose segregation with the condition that the minority schools were to be equal to the white schools. The District Court felt "compelled" to rule in favor of the Board of Education, citing *Plessy v. Ferguson*, which allowed separate but equal facilities. The NAACP appealed the case to the Supreme Court, where it was combined with three other cases calling for school desegregation in Delaware, South Carolina, and Virginia.

In a unanimous 9–0 decision, the Supreme Court overturned the "separate but equal" doctrine. Chief Justice Earl Warren delivered the opinion of the Court: "we



Before *Brown*, schools designated for African Americans were separate but definitely not equal in such terms as buildings, library resources, and teachers' salaries.



Linda Brown was the subject of the landmark case. The case was a class action suit, but Oliver Brown was deliberately named plaintiff because he was male.

SKILLS DEVELOPMENT

COMPARE VIEWPOINTS

Before students discuss reactions to the *Brown* ruling, you may want to review information on comparing viewpoints in the Skills Handbook p. S15.

Supreme Court Notes

CONNECTION TO PLESSY Although many editorials at the time hailed the Supreme Court decision in *Brown* as a healing democratic action, others were bitter that the Court dared to legislate social norms. This attitude had been introduced in Justice Henry Brown's majority opinion in *Plessy v. Ferguson* 60 years earlier. He stated that Plessy's argument "assumes that social prejudices may be overcome by legislation, and that equal rights cannot be secured to the Negro except by an enforced commingling of the two races. We cannot accept this proposition. If the two races are to meet upon terms of social equality, it must be the result of natural affinities, a mutual appreciation of each other's merits, and a voluntary consent of individuals."

cannot turn the clock back to 1868 when the [14th] Amendment was adopted, or even to 1896 when *Plessy v. Ferguson* was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws. . . .

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does. . . . To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone. . . . We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

Arguments for Brown

- Segregating African American students from white students makes them feel inferior.
- A sense of inferiority affects a child's motivation to learn.
- Segregation results in the fundamentally unequal education of minority students.

Arguments for Board of Education of Topeka

- Minority schools in Topeka are equal in every way to, and sometimes have better programs than, schools for whites.
- There is no conclusive evidence that segregation by race affects the education of children.
- Segregated schools prepare black children for the segregated society they will face in adulthood.

Thinking Critically

1. On what basis did the District Court reach its decision? On what basis did the Supreme Court reach its decision?
2. **Constitutional Principles** How does this case reflect the principle of equal protection?



Thurgood Marshall, the lead attorney who argued for desegregation, would become the first African American Supreme Court justice in 1967.

People waited in long lines outside the Supreme Court building, hoping for the opportunity to hear the Court deliver its opinion in this landmark case.

As a result of the *Brown* ruling, classrooms across the country were required to desegregate.

DISCUSS INITIAL REACTION

Ask students what they think initial white reactions were to the *Brown* ruling. (*Many in the South were shocked and angered.*) Have students consider reaction to the ruling from an African American student who would face prejudice at a desegregated school, and from an African American teacher who likely faced unemployment.

L3 Differentiate Have students suppose that they are parents of a minority high school student who enters a formerly segregated school. Ask them to answer the following question: **How would you prepare your child to face a racially charged environment?**

RESEARCH ACCOMPANYING CASES

Organize students into three groups, and have each group research the following cases that were ultimately combined with *Brown*: in Delaware, *Gebhart v. Belton*; in South Carolina, *Briggs v. Elliott*; and in Virginia, *Davis v. County School Board of Prince Edward County*. Groups should provide information regarding the plaintiffs, their actions, and the case's path to the Supreme Court.

L3 Differentiate Have groups present their cases as interviews or oral histories. The Web site of the University of Michigan Digital Archive: *Brown v. Board of Education* has sample oral histories.

EXTEND THE LESSON

L3 L4 Differentiate Assign the Landmark Decisions of the Supreme Court Worksheet (Unit 5 All-in-One, p. 229).

L2 Differentiate Assign the adapted Landmark Decisions of the Supreme Court Worksheet (Unit 5 All-in-One, p. 231).

Assess and Remediate

Have students summarize the majority opinion of the Court. Ask them to explain the significance of the unanimous ruling of the justices.

Correct students' answers to the Thinking Critically questions.

IN THE NEWS

Students can learn more about *Brown v. Board of Education* at PearsonSuccessNet.com

Answers

1. the *Plessy v. Ferguson* precedent that allowed separate but equal facilities; on intangible factors such as segregation generating feelings of inferiority
2. By desegregating schools, all students are provided with equal access to education.

Background

THE DOLL TEST In its argument before the Court, the NAACP introduced many sociological tests to prove that school segregation was psychologically harmful to African American children. In Footnote 11 of the *Brown* opinion, Dr. Kenneth Clark is listed. In the early 1950s, he and his wife Mamie performed a series of tests involving black and white dolls. African American children were asked to point to the "good" doll, and the majority pointed to the white doll. The tests had an impact on the Court's decision. The sociological tests are controversial today, however, with historians citing their use as nonscientific.

GUIDING QUESTION

What is the history of civil rights legislation from Reconstruction to today?

Sample answers for timeline:

1964 Civil Rights Act

1968 Civil Rights Act (Open Housing Act)

1972 Title IX of Education Amendments

1978 *Regents of the University of California v. Bakke*

Get Started

LESSON GOALS

Students will . . .

- trace the development of civil rights legislation by relating it to historical actions of States designed to nullify African Americans' rights.
- analyze the policy of affirmative action and why it is controversial by studying political cartoons and by exploring the issues surrounding it.

BEFORE CLASS

Assign the section, the graphic organizer in the text, and the Reading Comprehension Worksheet (Unit 5 All-in-One, p. 212) before class.

L2 Differentiate Reading Comprehension Worksheet (Unit 5 All-in-One, p. 213)

BELLRINGER

Check students' prior knowledge by displaying Transparency 21D, which is a quote from President Lyndon Johnson. Have students answer the questions in their notebooks.

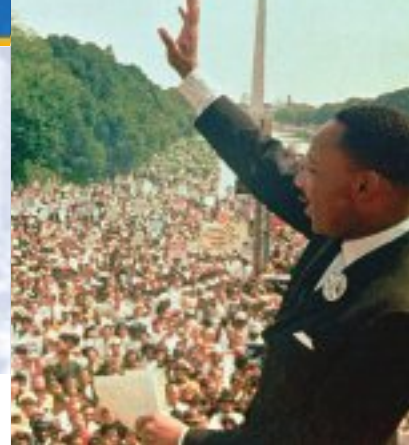
SKILLS DEVELOPMENT

ANALYZE IMAGES

To practice analyzing images in this section, use the Chapter 21 Skills Worksheet (Unit 5 All-in-One, p. 217). You may want to teach the skill explicitly before discussing civil rights and voter rights legislation. For L2 and L1 students, assign the adapted Skill Activity (Unit 5 All-in-One, p. 218).

SECTION 3

Federal Civil Rights Laws



Guiding Question

What is the history of civil rights legislation from Reconstruction to today? Use a timeline like the one below to take notes on the section.



Political Dictionary

- affirmative action
- quota
- reverse discrimination

Objectives

1. Outline the history of civil rights legislation from Reconstruction to today.
2. Explore the issues surrounding affirmative action.

Image Above: Dr. Martin Luther King, Jr., acknowledges the crowd at his "I Have a Dream" speech, August 28, 1963.

Those who, for one reason or another, oppose the enactment of civil rights legislation often rely on this observation: "You can't legislate morality." That is, racism, sexism, and other forms of discrimination will not be eliminated by simply passing a law.

The Reverend Dr. Martin Luther King, Jr., responded to that contention this way: "Judicial decrees," he said, "may not change the heart, but they can restrain the heartless." Clearly, Congress has agreed with Dr. King—as it has enacted a number of civil rights laws over the past 40 years or so.

Civil Rights: Reconstruction to Today

From the 1870s to the late 1950s, Congress did not pass a single piece of meaningful civil rights legislation. Several factors contributed to that fact. Among the major ones: Through that period, the nation's predominantly white population was generally unaware of or little concerned with the plight of African Americans, Native Americans, or other nonwhites in this country. And southern white Democrats, bolstered by such devices as the seniority system and the filibuster, held many of the most strategic posts in Congress.

That historic logjam was finally broken in 1957, largely as a result of the pressures brought to bear by the civil rights movement led by Dr. King (see Chapter 6, Section 3). Beginning in that year, Congress passed a number of civil rights laws—notably, the Civil Rights Acts of 1957, 1960, 1964, and 1968; the Voting Rights Acts of 1965, 1970, 1975, 1982, and 2006; and Title IX in the Education Amendments of 1972.⁸

The Civil Rights Act of 1964 The 1964 law is the most far-reaching of those statutes. It was passed after the longest debate in Senate history (83 days), and only after the Senate invoked cloture (end of debate) to kill a filibuster.

⁸ The 1957 and 1960 laws set up modest safeguards for the right to vote. You considered the voting rights provision in those statutes in Chapter 6, Section 3. The 1957 law created the U.S. Commission on Civil Rights. The commission is an independent eight-member executive branch agency that is supposed to monitor the enforcement of the various civil rights laws, investigate cases of alleged discrimination, and report its findings to the President, Congress, and the public.

Focus on the Basics

FACTS: • Beginning in 1957, Congress passed several acts to guarantee the civil rights of African Americans, other minorities, and women. • The policy of affirmative action requires most employers to take positive steps to remedy the effects of past discrimination. • Supporters and critics of affirmative action have taken their debate to the Supreme Court, Congress, State legislatures, and the voting booth.

CONCEPTS: individual rights and responsibilities, equal protection

ENDURING UNDERSTANDINGS: • Congress passed civil rights laws to carry out the Constitution's insistence on the equality of all before the law. • The controversy surrounding affirmative action continues today.

Beyond its voting rights provisions, the 1964 law outlaws discrimination in a number of areas. With its several later amendments, the law's major sections now:

- provide that no person may be denied access to or refused service in various “public accommodations”—hotels, motels, restaurants, theaters, and the like—because of race, color, religion, national origin, or physical disability (Title II).⁹
- prohibit discrimination against any person on grounds of race, color, religion, national origin, sex, or physical disability in any program that receives any federal funding (Title VI).
- forbid both employers and labor unions to discriminate against any person on grounds of race, color, religion, sex, physical disability, or age in job-related matters (Title VII).¹⁰

The Civil Rights Act of 1968 The Civil Rights Act of 1968 is often called the Open Housing Act. With minor exceptions, it forbids anyone to refuse to sell or rent a dwelling to any person on grounds of race, color, religion, national origin, sex, or disability. It also forbids refusal to sell or rent to a family with children.

At first, the burden of enforcing the law fell on those persons who claimed to be victims of housing discrimination; they could seek damages from alleged offenders. Congress finally strengthened the law in 1988, to allow the Justice Department to bring criminal charges against those who violate its terms. Still, housing remains among the most segregated areas of American life today.

Title IX In Title IX of the Education Amendments of 1972, Congress added a key gender-based guarantee to the provisions of the Civil Rights Act of 1964. Title IX forbids discrimination on the basis of gender “in any education program or activity receiving Federal financial assistance.” The statute intends to

ensure that women receive equal treatment in all aspects of education. Its provisions apply to all schools, public and private, that receive federal funds, and nearly all of them do.

Since its passage, Title IX has had its most telling effect on school athletics programs, especially at the college level, by requiring roughly equal funding and opportunities for women and men. The law has been in effect for nearly four decades now; still, it continues to generate controversy.

Affirmative Action

These civil rights statutes all come down to this: Discriminatory practices based on such factors as race, color, national origin, sex, or disability are illegal. But what about the effects of *past* discrimination? Consider an African American who, for no reason of his or her own making, did not get a decent education and so today cannot get a decent job. Of what real help to that person are all of those laws that make illegal today what was done years ago?

So far, the Federal Government's chief answer to this troubling question has been a policy of **affirmative action**. That approach requires that most employers take positive steps (affirmative action) to remedy the effects of past discriminations. The policy applies to all agencies of the Federal Government, States and their local governments, and private employers who sell goods or services to any agency of the Federal



These words would have been added to the Constitution if three additional States had ratified the Equal Rights Amendment (ERA). *Why do you think the ERA was not ratified?*



⁹ Congress based this section of the law on its commerce power. See Chapter 11, Section 2. Title II covers those places in which lodgings are offered to transient guests and those where a significant portion of the items sold have moved in interstate commerce. The Supreme Court upheld Title II and the use of the Commerce Clause as a basis for civil rights legislation in *Heart of Atlanta Motel, Inc. v. United States*, 1964.

¹⁰ The five-member Equal Employment Opportunity Commission (EEOC), an independent executive branch agency, enforces Title VII.

Teach

To present this topic using online resources, use the lesson presentations at **PearsonSuccessNet.com**.

DISCUSS BELLRINGER RESPONSES

Have students share their answers to the Bellringer. (1. *civil rights demonstrations*; 2. *African Americans were not “trained” for the “race” and so should be given an advantage now*. 3. *affirmative action*)

RELATE ACTIONS TO LEGISLATION

Ask: **Why were so many civil rights and voting rights laws needed?** Discuss the actions that States took to nullify African American voting and other rights: poll taxes; literacy tests; vouchers of “good character” needed; the white primary; voter registration grandfather clauses; gerrymandered or annexed election districts to reduce African American voting strength and to minimize the number of black elected officials. Then have students cite federal legislation and Court cases from the section that tried to remedy this discrimination. On the board, list students’ citations as well as the legislation below. Point out how federal responses to these actions began slowly on a case-by-case basis before being expanded to nationwide jurisdiction.

Civil Rights Act of 1957: Attorney General given authority to begin lawsuits against local violations of the 15th Amendment

Civil Rights Act of 1960: federal courts could appoint referees to conduct voter registration, but only after a judicial finding of voting discrimination

Voting Rights Act of 1965: strengthened enforcement of the 15th Amendment nationwide; prohibited all literacy requirements for voting; federal examiners ensured registration; federal observers oversaw elections; in certain jurisdictions, any changes in voting procedures had to be approved by the Federal Government

1975: amendments to 1965 law added voting protections for Hispanic, Asian, and Native American citizens

Answers

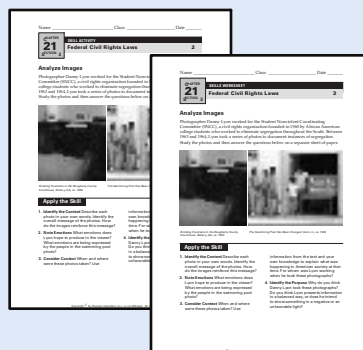
Checkpoint called Open Housing Act; forbids anyone to refuse to sell or rent a dwelling to any person on grounds of race, color, religion, national origin, sex, disability, or families with children

Caption because women’s rights were already protected as “citizens’ rights”

Differentiated Resources

The following resources are located in the All-in-One, Unit 5, Chapter 21, Section 3:

- L3** Reading Comprehension Worksheet (p. 212)
- L2** Reading Comprehension Worksheet (p. 213)
- L3** Core Worksheet (p. 215)
- L3** Skills Worksheet (p. 217)
- L2** Skill Activity (p. 218)
- L3** Quiz A (p. 219)
- L2** Quiz B (p. 220)



DISTRIBUTE CORE WORKSHEET

Distribute the Chapter 21 Section 3 Core Worksheet (Unit 5, All-in-One, p. 215), which asks students to analyze affirmative action through political cartoons. Discuss students' responses to the questions.

Name _____ Class _____ Date _____

CHAPTER 21
Section 3

CORE WORKSHEET
Federal Civil Rights Laws **3**

Analyze the cartoons below and then answer the questions on the next page.

Cartoon A



Cartoon B



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L2 ELL Differentiate Have L2 students complete the worksheet with an L3 or L4 partner.

DEBATE AFFIRMATIVE ACTION

Organize students into four groups, and have them prepare to debate the issue of affirmative action from one of these points of view:

- Dr. Martin Luther King, Jr.
- Allan Bakke
- White high school senior who wants to enter college
- Minority high school senior who wants to enter college

Have students use the Debate strategy (p. T25) to formulate their arguments. Groups should summarize the validity of affirmative action from their point of view. Students should make strong arguments with supporting information from the Constitution and Court precedents. After the debate, debrief the activity, allowing students to state which perspectives used the best evidence to prove their point.

Answers

Analyzing Timelines By holding that race could be a narrowly tailored factor in affirmative action decisions, the Court left the door open to future interpretations.

Equal Rights and Affirmative Action

1800s

1868 States ratify the **14th Amendment**, which includes the Equal Protection Clause.

1896 The Supreme Court decision in *Plessy v. Ferguson* establishes the separate-but-equal doctrine.

1900s

1954 In *Brown v. Board of Education*, the Court overrules *Plessy*, holding that separate-but-equal public schools are unconstitutional.

1964 Civil Rights Act of 1964 overturns all Jim Crow laws.

African Americans sit in protest at a whites-only lunch counter in North Carolina in 1960. ▶



▶ **Analyzing Timelines** Affirmative action programs arose in the 1960s to help rectify the harm suffered by minorities as a result of discrimination. **How did the two Michigan cases in 2003 leave the legal status of affirmative action unsettled?**

Government. The Federal Government began to demand the adoption of affirmative action programs in 1965.

To illustrate the policy, take the case of a company that does business with the Federal Government. It must adopt an affirmative action plan designed to make its workforce reflect the general makeup of the population in its locale. The plan must include steps to correct or prevent inequalities in such matters as pay, promotions, and fringe benefits.

For many employers this has meant that they must hire and/or promote more workers with minority backgrounds and more females. The share of a group necessary to satisfy a particular affirmative action requirement—say, the number of females in a company's workforce or the number of African Americans in a school's student body—is often called a **quota**.

Reverse Discrimination? Affirmative action policies remain highly controversial today. This is principally because those policies necessarily involve race-based and/or gender-based classifications.

Critics argue that affirmative action programs amount to **reverse discrimination**, or discrimination against the majority group. Affirmative action demands that preference be given to females and/or nonwhites solely on the basis of sex or race. Critics say that the Constitution requires that all public policies be "color blind."

The opponents of affirmative action have attacked the policy at the State and local levels in several places in recent years. Most often, they have relied primarily on the reverse discrimination argument as they have done so.

In 1996, California's voters gave overwhelming approval to a measure that eliminated nearly all affirmative action programs conducted by public agencies in that State. Since then, the voters in Washington (in 1998) and in Michigan (in 2004) have adopted measures nearly identical to California's.

The Bakke Case The Supreme Court decided its first major affirmative action case, *Regents of the University of California v. Bakke*, in 1978. Allan Bakke, a white male, had been denied admission to the university's medical school at Davis. The school had set aside 16 of the 100 seats in each year's entering class for nonwhite students. He sued the university, charging it with reverse discrimination and,

Political Cartoon Mini-Lesson

THE EQUAL RIGHTS AMENDMENT Congress passed the ERA in 1972 with a seven-year deadline for ratification. A three-year extension was added in 1979. Only 35 of the required 38 States approved it, however, so the ERA failed. Display Transparency 21E, Equal Rights Amendment. Ask: **Why do you think some women opposed the ERA?** (They believed the ERA would take away traditional women's rights, such as alimony and all-female colleges. They also believed women might get drafted into the armed forces.) **According to the cartoon, what is ironic about the ERA's failure to pass from the point of view of one woman's employment?** (She must go to her low-paying, menial job cleaning the floors.) Have students debate this topic: **Does the United States still need an Equal Rights Amendment to guarantee the rights of women?**



▲ Title IX increased opportunities for women to participate in sports.

1972 Title IX of the Education Amendments forbids gender discrimination in all federally funded educational programs.

1978 In *Regents of the University of California v. Bakke*, the Court rules that affirmative action is acceptable, but strict quotas are not.

1990 **Americans with Disabilities Act** prohibits discrimination on the basis of disability.

1995 In *Adarand Constructors v. Peña*, the Court finds that affirmative action programs will be upheld only if shown to serve some “compelling government interest.”

2000s

2003 The Court finds that a State university may take race into account in admitting students, *Grutter v. Bollinger*, but it may not blindly give extra weight to race in that process, *Gratz v. Bollinger*.

2007 In *Parents Involved v. Seattle School District* and *Meredith v. Jefferson County Board of Education*, the Court overturns school integration policies that rely too heavily on race.

so, a violation of the Equal Protection Clause. By a 5–4 majority, the Court held that Bakke had been denied equal protection and should be admitted to the medical school.

A differently composed 5–4 majority made the more far-reaching ruling in the case, however. Although the Constitution does not allow race to be used as the *only* factor in the making of affirmative action decisions, that majority of the justices held that both the Constitution and the 1964 Civil Rights Act do allow its use as one among several factors in such situations.

Later Cases The Court has decided several affirmative action cases since *Bakke*. In some of them it has upheld quotas, especially in such industries as construction, where longstanding discrimination was involved.

Note, however, that the High Court has also held that quotas can be used in only the most extreme situations. Thus, the Court held in *Richmond v. Croson*, 1989, that the city of Richmond, Virginia, had not shown that its minority set-aside policy was justified by past discrimination.

Johnson v. Transportation Agency of Santa Clara County, 1987, marked the first time the Court decided a case of preferential treatment on the basis of sex. The justices held that neither the Equal Protection Clause nor Title VII

forbids the promotion of a woman rather than a man, even when he scored higher on a qualifying interview.

The current Supreme Court’s conservative bent can be seen in its most recent affirmative action decisions. Thus, the Court’s decision in *Adarand Constructors v. Peña*, 1995, marked a major departure from its previous rulings in such cases. Until *Adarand*, the Court had regularly upheld affirmative action laws, regulations, and programs as “*benign*” instances of “race-conscious policymaking.” By this, the Court meant that it considered them to be mild but necessary restraints on behavior.

Adarand arose when a white-owned Colorado company, Adarand Constructors, Inc., challenged an affirmative action policy of the Federal Highway Administration (FHWA). Under that policy, the FHWA gave bonuses to highway contractors if 10 percent or more of their construction work was subcontracted to “socially and economically disadvantaged” businesses, including those owned by racial minorities.

The Court held that henceforth all affirmative action cases will be reviewed under strict scrutiny—that is, affirmative action programs will be upheld only if they can be shown to serve some “compelling governmental interest.” (See page 619.)

benign
adj. not harmful

Tell students to go to the Interactivity for an interactive version of the timeline regarding equal rights and affirmative action.

EXTEND THE LESSON

L3 Differentiate Have students work in pairs to research the annual increase in African American voter registration after 1965, following the passage of the Civil Rights Acts and Voting Rights Acts. Students should put the information they find into a bar graph on poster board with an appropriate title.

L2 LPR ELL Differentiate Provide students with the statistics below showing changes in voter registration from 1965 to 1988. Have them calculate the “gap” columns. Ask: **Which State had the largest gap in 1965? (Mississippi) in 1988? (North Carolina)**

Voter Registration Rates (1965 vs. 1988)						
	March 1965			November 1988		
	Black	White	Gap	Black	White	Gap
AL	19.3	69.2	49.9	68.4	75.0	6.6
GA	27.4	62.6	35.2	56.8	63.9	7.1
LA	31.6	80.5	48.9	77.1	75.1	-2.0
MS	6.7	69.9	63.2	74.2	80.5	6.3
NC	46.8	96.8	50.0	58.2	65.6	7.4
SC	37.3	75.7	38.4	56.7	61.8	5.1
VA	38.3	61.1	22.8	63.8	68.5	4.7

Adapted from *Minority Representation and the Quest for Voting Equality* by Bernard Grofman, Lisa Handley and Richard G. Niemi (New York: Cambridge Press, 1992).

Assess and Remediate

L3 Ask students to write a paragraph answering the Chapter Essential Question: **Why are there ongoing struggles for civil rights?** Have students consider such factors as political, economic, or security concerns; the emergence of minority leaders with the determination, skills, and resources to work for change; and the role of the media in making the public aware of discrimination or the effects of discrimination.

L3 Collect the Core Worksheets and assess students’ responses to the questions.

L3 Assign the Section 3 Assessment questions.

L3 Quiz A (Unit 5 All-in-One, p. 219)

L2 Quiz B (Unit 5 All-in-One, p. 220)

Have students complete the review activities in the digital lesson presentation and continue their work in the **Essential Questions Journal**.

Background

AMERICANS WITH DISABILITIES Inspired by the civil rights movement, people with disabilities pushed for equal treatment. Their efforts led to passage of the Individuals with Disabilities Education Act (IDEA) in 1975 (revised substantially in 1997 and 2004). IDEA guarantees free appropriate public education to children with disabilities. The law guides schools in crafting an individualized education program (IEP) for each child with a disability. In 1990, Congress passed the Americans with Disabilities Act (ADA), banning discrimination against people with disabilities in employment, public services, public accommodations, and telecommunications. The law requires employers to make “reasonable accommodation,” which may include making existing facilities accessible (such as by installing a wheelchair ramp), modifying the job or work schedule, acquiring devices, or modifying equipment and training.

REMEDIATION

If Your Students Have Trouble With	Strategies For Remediation
Civil rights legislation (Questions 1, 2, 5)	Have students create annotated timelines of civil rights legislation from Reconstruction to today. Timelines should include brief descriptions of each law or act, how it was decided, and how it relates to other laws or acts on the timeline.
Affirmative action policies (Questions 3, 4, 6)	Have students add the section's affirmative action cases and rulings to their civil rights timelines (see above).

Government
online

All print resources are available on the Teacher's Resource Library CD-ROM and online at PearsonSuccessNet.com.

Checkpoint
What was the significance of the Court's ruling in *Adarand*?

The Michigan Cases Two cases, *Gratz v. Bollinger* and *Grutter v. Bollinger*, both involving the admissions policies of the University of Michigan, were combined for decision by the Supreme Court in 2003. The resolution of those two cases marked the High Court's most important statement on affirmative action since its decision in *Bakke* in 1978.

Jennifer Gratz applied for admission to the University as a freshman in 1997, and Barbara Grutter sought to enter the University's law school that same year. Both women are white, and both were rejected in favor of minority applicants with lower grade point averages and lower entry test scores. Both women sued the university and its chief admissions officer, Lee Bollinger, seeking to prevent the University from using race as a factor in admissions.

The Supreme Court held, 6–3, that Gratz's rejection was the result of a race-based quota policy prohibited by the 14th Amendment's Equal Protection Clause. Grutter's rejection was upheld 5–4, however, because the law school employed a much more flexible process in making its admissions decisions.

A majority of the Court found—definitely and unambiguously—that the State of Michigan (and all States) has a compelling interest in the diversity of the student bodies of its public educational institutions. That compelling interest justifies the narrowly tailored use

of race as one factor in the student admissions policies of those institutions. However, Justice Sandra Day O'Connor, writing for the majority, predicted that affirmative action would not be necessary in the future. She wrote, "We expect that 25 years from now, the use of racial preferences will no longer be necessary to further the interest approved today."

The Seattle and Louisville Cases The High Court's most recent affirmative action decision came in two cases that were combined for decision in 2007. One of those cases arose in Seattle, Washington (*Parents Involved v. Seattle School District*), and the other in Louisville, Kentucky (*Meredith v. Jefferson County Board of Education*).

Both cases centered on this question: In light of the Supreme Court's decision in *Grutter*, to what extent can public school officials now use race as a factor in assigning students to particular schools in a district as they seek to maintain racially integrated student bodies in that district?

The Court split 5–4 in the two cases. The majority found that the student assignment policies in both Seattle and Louisville relied too heavily on race and so ran afoul of the 14th Amendment's Equal Protection Clause. Indeed, four of the five justices in the majority favored the *total elimination* of race as a factor in school admission decisions.

Essential Questions
Journal

To continue to build a response to the chapter Essential Question, go to your Essential Questions Journal.

SECTION 3 ASSESSMENT

1. **Guiding Question** Use your completed timeline to answer this question: What is the history of civil rights legislation from Reconstruction to today?

Key Terms and Comprehension

2. Cite the three major provisions of the Civil Rights Act of 1964.
3. (a) What does the policy of **affirmative action** require? (b) Who must abide by the policy?
4. Under what circumstances has the Supreme Court upheld the use of **quotas**?

Critical Thinking

5. **Demonstrate Reasoned Judgment** (a) What does Title IX provide? (b) In what situation has it been most controversial? (c) Do you agree with the law? Why or why not?
6. **Synthesize Information** Some nations, such as France, require *gender parity* in government; that is, a certain number of candidates or elected leaders must be women. (a) How is this similar to a quota system? (b) Do you think the United States should adopt that system? Why or why not?

Quick Write

Problem-Solution Essay: Select the Best Solution Decide which one of the solutions you researched in Section 2 would solve the problem you identified in Section 1. Using supporting facts and details, make a list that evaluates the solution's effectiveness in achieving both short-term gains and long-term goals.

Answers

Checkpoint The Court moved away from regularly upholding affirmative action programs and instead ruled that those programs must prove to serve some "compelling government interest."

Assessment Answers

1. No meaningful legislation passed from the 1870s to the 1950s. First far-reaching law was the Civil Rights Act of 1964, which bans discrimination in public accommodations, in federally funded programs, and in jobs. Title IX (1972) bans gender-based discrimination in education. In 1965, the Federal Government began demanding affirmative action programs to reduce the effects of past discrimination. In the *Bakke* case (1978), the court ruled that affirmative action is acceptable, but strict quotas are not. In *Adarand* (1995), the Court ruled that future affirmative action cases would

be judged under the higher standard of strict scrutiny.

2. Discrimination based on race, color, religion, national origin, or physical disability is banned in public accommodations, in any program that receives any federal funding, and by employers and labor unions in job-related matters.

3. (a) employers to take positive steps to remedy effects of past discrimination (b) all agencies of the Federal Government, all States and local governments, all private employers who sell goods or services to any federal agency

4. in extreme situations where longstanding, flagrant discrimination was involved

5. (a) equal treatment for women in all aspects of education (b) school athletics programs, especially in colleges (c) Answers will vary.

6. (a) It requires that a share of a group be a certain gender. (b) Answers will vary.

QUICK WRITE Have students incorporate their lists into a flowchart showing how the solution moves from a short-term gain to a long-term goal.

Writing a Letter to the Editor

Editor:

Regarding the article on additional budget cuts to public education ("Governor Proposes Slashing School Funding," May 9), I believe that every penny spent is a necessary investment in the future of this community. As a junior at Westfield High School, I know that these cuts would place students' futures in greater jeopardy. Last year, 15 percent of the teaching staff and 10 percent of all elective courses were eliminated due to severe reductions in funding. These cuts ultimately impacted the quality of our education, and that is a sacrifice this town should not be willing to make again.

—Thomas Grey, St. Clairsville

The Constitution guarantees all people the right to express their views. Writing a letter to the editor of your local newspaper is your chance to share your opinion about important issues that affect you and your community. Follow these steps to write an effective letter:

1. Briefly summarize the issue. A good letter to the editor should be brief and to the point. Begin your letter by clearly identifying the issue. If you are responding to an article published in the

paper, mention the article by title and publication date in the first sentence. State your opinion up-front.

2. Explain your position. You should explain why you feel the way you do about the issue. Support your explanation with at least one or two specific examples. If you feel particularly passionate about the issue, let your emotions come through in your letter but remember to be civil. Never resort to name-calling or vulgar language. If you do, few people will take your letter seriously.

3. Make a suggestion. The main point of your letter might be to express your opinion, but you could also include suggestions for future actions. If you are writing about a problem in your community, explain what you think can be done to fix it.

4. Identify yourself. Sign your letter with your real name, and provide contact information. Most editors will not print anonymous letters, and they must be able to verify your identity. You can also mention any experiences you have had that are relevant to the issue.

What do you think?

1. When writing a letter to the editor, why do you think you should be brief and to the point?
2. Why would adding suggestions for action make your letter more effective?
3. **You Try It** Choose an issue that interests you and write a letter to the editor of your local newspaper.



GOVERNMENT ONLINE Citizenship Activity Pack

For activities on writing a letter to the editor, go to
PearsonSuccessNet.com



631

LESSON GOALS

- Students will analyze successful editorials before writing their own letters to the editor.

Teach

READ AND IDENTIFY PARTS OF A LETTER

Have students read the Citizenship 101 feature. As a class, identify the various parts of the letter and their purpose.

ANALYZE LETTERS IN NEWSPAPERS

Bring to class enough newspaper editorial sections for each student to have one. Have students analyze the editorials and highlight the main point the writer is trying to make. Then have them place a checkmark next to each criticism the writer makes, and circle each suggestion for action. Finally, have students rate the editorials from best to worst, explaining what made the best one successful in their opinion.

WRITE A LETTER TO THE EDITOR

Have students write their own letters to the editor in response to a news story or letter in the newspaper sections they analyzed in the activity above.

Assess and Remediate

Have students read aloud their letters. Peer-assess the letters using this checklist:

- ☐ Had quickly identifiable issue
- ☐ Included up-front opinion
- ☐ Provided several explanations for opinion
- ☐ Included suggestions for future action
- ☐ Tone was forceful but civil

Citizenship Activity Pack

L1 L2 If your students need extra support, use the Citizenship Activity Pack lesson *How to Write a Letter to the Editor*. It includes a lesson plan, four sample editorials as handouts, and a model for analyzing the elements of an editorial. Students will work in groups to analyze one of the editorials, write a one-sentence response, and present their work orally to the class. At the end of the lesson, students will have an opportunity to write their own letter to the editor. Students may also access the Citizenship Activity Pack online for activities on writing letters to the editor at **PersonSuccessNet.com**.

Answers

1. possible answers: to hold readers' attention; to fit the newspaper's limited space for letters
2. Adding suggestions for action shows readers that you have carefully and extensively thought this issue through.
3. Letters will vary but should include an opinion, arguments or explanations supporting the opinion, and a suggestion for action.

GUIDING QUESTION

How can American citizenship be attained and how has immigration policy changed over the years?

- I. Citizenship
 - A. By Birth
 - 1. jus soli—place of birth
 - 2. jus sanguinis—parentage
 - B. By Naturalization
 - 1. individual
 - 2. collective
- II. Immigration
 - A. Regulation
 - 1. by Congress only
 - 2. encouraged when workers needed
 - 3. exclusion based on personal traits
 - B. Quotas
 - 1. number limits based on country of origin
 - 2. favored northern and western Europe
 - 3. Immigration Act of 1965—limit not based on country
 - C. Present Policies
 - 1. Immigration Act of 1990 increased quota
 - 2. preference to family members
 - 3. preference to aliens with needed skills
 - D. Undocumented Aliens
 - 1. enter illegally (or legally and overstay)
 - 2. often hired at substandard pay
 - 3. strain public services
 - 4. Immigration Reform and Control Act of 1986—amnesty; crime to hire illegals
 - 5. Illegal Immigration Restrictions Act of 1996—deportation easier; public services restricted

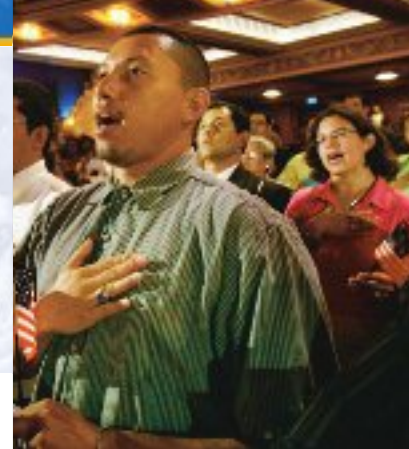
SKILLS DEVELOPMENT

DRAW INFERENCES AND CONCLUSIONS

Before students research immigration issues and prepare arguments for and against, you may want to review information on drawing inferences and conclusions in the Skills Handbook, p. S19.

SECTION 4

American Citizenship



Guiding Question

How can American citizenship be attained and how has immigration policy changed over the years?

Use an outline like the one below to take notes on the section.

- I. Citizenship
 - A. By Birth
 - 1. _____
 - 2. _____
 - B. _____
 - C. _____
- II. Immigration

Political Dictionary

- citizen
- jus soli
- jus sanguinis
- naturalization
- alien
- expatriation
- denaturalization
- deportation

Objectives

- 1. Describe how people become American citizens by birth and by naturalization.
- 2. Explain how an American can lose his or her citizenship.
- 3. Illustrate how the United States is a nation of immigrants.
- 4. Compare and contrast the status of undocumented aliens and legal immigrants.

Image Above: New citizens take the oath during a naturalization ceremony in Miami, Florida.

Citizenship is the badge of membership in a political society.¹¹ Today, every state in the world has rules by which citizenship is determined. And much can be learned about the basic nature of a government by examining those rules. Who are and who may become citizens? Who are excluded from citizenship, and why?

The Constitution and Citizenship

An American **citizen** is one who owes allegiance to the United States and is entitled to both its protection and the privileges of its laws. As it was originally written, the Constitution referred to both “citizens of the United States” and “citizens of the States.” Neither of those phrases was defined, however. Throughout much of our earlier history, it was generally agreed that national citizenship followed that of the States. That is, a person who was a citizen of, say, Maryland, was also thought to be a citizen of the United States.

Actually, the question was of little importance before the 1860s. Much of the population was the product of recent immigration, and little distinction was made between citizens and those who were not. The Civil War and the adoption of the 13th Amendment in 1865 raised the need for a constitutional definition, however.¹² The 14th Amendment met that need in 1868:

FROM THE CONSTITUTION

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

—14th Amendment, Section 1

¹¹ The concept of citizenship—of the free inhabitants of a city—was developed by the ancient Greeks and Romans. It replaced the earlier concept of kinship—of the blood relationships of the family and the tribe—as the basis for community.

¹² In the Dred Scott case (*Scott v. Sandford*) in 1857, the Supreme Court had ruled that neither the States nor the National Government had the power to confer citizenship on African Americans—slave or free. The dispute over that matter was one of the several causes of the Civil War.

Focus on the Basics

FACTS: • A person can become an American citizen either at birth or through the process of naturalization. • Several million Americans have become citizens through naturalization. • Congress has the exclusive power to regulate immigration. • Most immigrants to the United States have come through official channels, but many arrive illegally. • Aliens may be subject to deportation.

CONCEPTS: citizenship

ENDURING UNDERSTANDINGS: • The United States is a nation of immigrants. • As immigration to the United States has surged over the past few decades, record numbers of immigrants have become American citizens. • Current immigration policy is controversial.

Thus, the Constitution declares that a person may become an American citizen in either of two ways: by birth or by naturalization. The feature on page 634 summarizes the means by which American citizenship can be acquired.

Citizenship by Birth

More than 260 million Americans—nearly 90 percent—are citizens simply because they were born in this country. Another several million are also citizens by birth, although they were born outside the United States.

Two basic rules determine citizenship at birth: *jus soli* and *jus sanguinis*. According to *jus soli*—the law of the soil—citizenship is determined by place of birth, by *where* one is born.

Notice that the 14th Amendment awards American citizenship according to the location of one's birth: "All persons born . . . in the United States . . ." Congress has defined the United States to include, for purposes of citizenship, the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, and the Northern Mariana Islands—and all American embassies and all public vessels of the United States, wherever they might be.¹³

Just how broad the 14th Amendment's statement of *jus soli* is can be seen from a leading case on citizenship, *United States v. Wong Kim Ark*, 1898. Wong Kim Ark was born in San Francisco in 1873 to parents who were citizens of China. He made a brief trip to China in 1895.

Upon Wong Kim Ark's return, he was refused entry to the United States by immigration officials at San Francisco. They insisted that the 14th Amendment should not be read so literally as to mean that he had become an American citizen at birth. They declared that he was an alien and so was denied entry by the Chinese Exclusion Act of 1882. The Supreme Court held, however, that under the clear wording of the 14th Amendment, he was indeed a native-born citizen of this country and so not subject to the terms of the Chinese Exclusion Act.

¹³ Until 1924, Native Americans born to tribal members on reservations did not become citizens at birth. They were, instead, wards (persons under legal guardianship) of the government. In that year, Congress finally did grant citizenship to all Native Americans who did not already possess it.

¹⁴ Article I, Section 8, Clause 4.

A very small number of persons who are born *physically* in the United States do not in fact become citizens at birth. They are those few who are born not "subject to the jurisdiction of the United States"—for example, children born to foreign diplomatic officials.

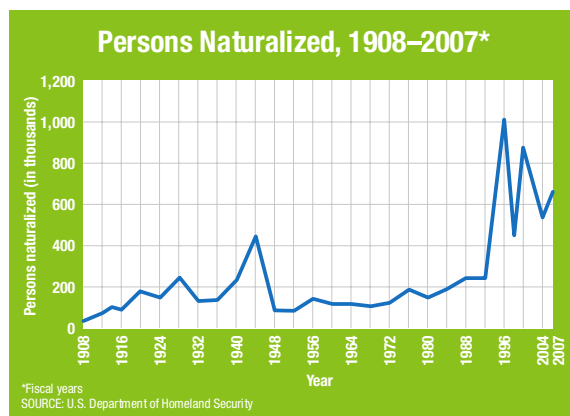
According to *jus sanguinis*, the law of the blood, citizenship at birth may also be determined by parentage, to *whom* one is born. Thus, it is altogether possible for one to become a citizen at birth even when that birth occurs outside the United States. A child born abroad can become a citizen at birth under circumstances set out in the feature on page 634. The 14th Amendment does not provide for *jus sanguinis*. However, Congress first recognized the doctrine in 1790 and its constitutionality has never been challenged.

Citizenship by Naturalization

Naturalization is the legal process by which a person can become a citizen of another country at some time after birth. Congress has the exclusive power to provide for naturalization.¹⁴ No State may do so.

Individual Naturalization Naturalization is most often an individual process, conducted by a court. Generally, any person eligible to

Checkpoint
What does the 14th Amendment say about citizenship?



► **Analyzing Graphs** In what year were the greatest number of persons naturalized? The fewest?

Get Started

LESSON GOALS

Students will . . .

- summarize ways that individuals become citizens in the United States.
- analyze the controversy over immigration in the United States by preparing arguments for and against opinions on the topic.

BEFORE CLASS

Assign the section, the graphic organizer in the text, and the Reading Comprehension Worksheet (Unit 5 All-in-One, p. 221) before class.

L2 Differentiate Reading Comprehension Worksheet (Unit 5 All-in-One, p. 222)

BELLRINGER

Display Transparency 21F, Naturalization, and write on the board: **1. Which requirement do you think is most difficult to evaluate? 2. What requirements should be added or removed? 3. How did the original Texans become U.S. citizens? 4. Who are the most recent "collective" citizens? Answer in your notebook.**

Teach

To present this topic using online resources, use the lesson presentations at **PearsonSuccessNet.com**.

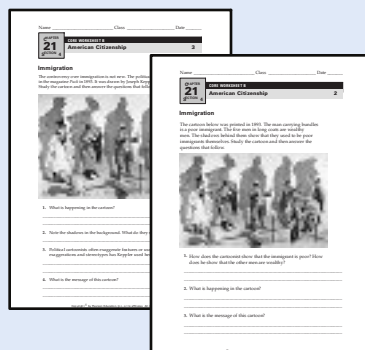
ANALYZE LINE GRAPH

Have students study the graph "Persons Naturalized, 1908–2006" in their textbook. Ask students to use their knowledge of history to explain the spikes, dips, and other trends in the graph. (For example, a spike occurs after World War I ends in 1918; immigration dips during the Great Depression of the 1930s; and it spikes again after World War II ends in 1945.) Have students note the spike in the 1990s, which resulted from the naturalization of some 1 million undocumented aliens who became legalized under the Immigration and Reform Control Act of 1986.

Differentiated Resources

The following resources are located in the All-in-One, Unit 5, Chapter 21, Section 4:

- L3** Reading Comprehension Worksheet (p. 221)
- L2** Reading Comprehension Worksheet (p. 222)
- L3** Core Worksheet A (p. 223)
- L3 L2** Core Worksheets B (pp. 225, 226)
- L3** Quiz A (p. 227)
- L2** Quiz B (p. 228)
- L3** Chapter Test A (p. 233)
- L2** Chapter Test B (p. 236)



Answers

Checkpoint that any person born in the U.S. or naturalized becomes a U.S. citizen

Analyzing Graphs 1996; 1908

Acquiring Citizenship

Most Americans acquire citizenship at birth. *How else can one acquire American citizenship?*



Birth

Jus Soli: Law of Soil

- A child becomes an American citizen if born in the United States, Puerto Rico, Guam, Virgin Islands, Northern Mariana Islands, any U.S. embassy, or aboard a U.S. public vessel anywhere in the world.

Jus Sanguinis: Law of Blood

A child born to an American citizen on foreign soil becomes a citizen if:

- both parents are American citizens, and at least one has lived in the United States or an American territory at some time.
- one parent is an American citizen who has lived in the U.S. for at least 5 years, 2 of them after age 14, and the child has lived in the U.S. continuously for at least 5 years between the ages of 14 and 28.

Naturalization

Individually

- Naturalization of both parents (one parent if divorced or the other is deceased) automatically naturalizes children under age 16 who reside in the U.S. Adopted children born abroad are automatically naturalized if under age 18 when adoption becomes final.

Collectively

- Collective naturalization—when entire groups are naturalized—usually occurs by treaty or by act or joint resolution of Congress.

SHARE BELLRINGER ANSWERS

Have students share their Bellringer answers. (1. *possible answer: evaluating whether someone is “of good moral character”*; 2. *Answers will vary. Direct students to consider adding education or skills requirements*. 3. *by a joint resolution of Congress in 1845*; 4. *citizens of the Northern Mariana Islands*)

L2 ELL Differentiate Ask students to provide synonyms for the word *renounce* (give up, reject, relinquish, disown).

L2 Differentiate Have students list characteristics of a person “of good moral character.” Write these on the board. Then ask students to rate the characteristics from “most important” to “least important” and explain their ratings.

DISCUSS ACQUIRING CITIZENSHIP

Review the ways to gain citizenship. Ask: **What are two ways to acquire citizenship?** (*by birth and by naturalization*) **In what two ways can a person become a citizen by birth?** (*jus soli: citizenship is determined by where one is born; jus sanguinis: citizenship is determined by to whom one is born*)

Now display Transparency 21F (Bellringer) again and ask: **What are the various ways groups have become collectively naturalized in the United States?** (*through treaties, a joint resolution of Congress, acts of Congress, and a constitutional amendment*)

enter the United States as an immigrant may become a naturalized citizen. Hundreds of thousands of aliens are now naturalized each year. An **alien** is a citizen of a foreign state who lives in this country.

The U.S. Citizenship and Immigration Services in the Department of Homeland Security investigates each applicant, and then reports its findings to the judge with whom a petition for naturalization has been filed. If the judge is satisfied, an oath or affirmation of citizenship is administered in open court.

Collective Naturalization At various times, entire groups have been naturalized *en masse*. This has most often happened when the United States has acquired new territory. Those living in the areas involved were naturalized by a treaty or by an act or a joint resolution passed by Congress.

The largest single instance of collective naturalization came with the ratification of the 14th Amendment, however. The most recent instance occurred in 1977, when Congress gave citizenship to the more than 16,000 native-born residents of the Northern Mariana Islands.

Loss of Citizenship

Although it rarely happens, every American citizen, whether native-born or naturalized, has the right to renounce—voluntarily abandon—his or her citizenship. **Expatriation** is the legal process by which a loss of citizenship occurs.

The Supreme Court has several times held that the Constitution prohibits automatic expatriation. That is, Congress cannot take away a person's citizenship for something he or she has done. Thus, actions such

petition
n. formal request
application

Background

EXPATRIATION Any party claiming that a person has abandoned his U.S. citizenship must establish three elements. First, the person must have taken one of the acts of expatriation stated by law, such as “obtaining naturalization in” or “taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state” after reaching the age of 18, “entering, or serving in, the armed forces of a foreign state . . . engaged in hostilities against the United States,” or formal renunciation before an appropriate United States official. Second, he must have acted “voluntarily.” Third, he must have acted “with the intention of relinquishing United States nationality.” An individual who voluntarily “enter[s], or serve[s] in, the armed forces of a foreign state” may be expatriated, “if (A) such armed forces are engaged in hostilities against the United States, or (B) such persons serve as a commissioned or non-commissioned officer.”

Answers

Acquiring Citizenship through naturalization, either individually or collectively

as committing a crime, voting in a foreign election, or serving in the armed forces of another country are not grounds for automatic expatriation.¹⁵

Naturalized citizens can lose their citizenship involuntarily. However, this process—**denaturalization**—can occur only by court order and only after it has been shown that the person became an American citizen by fraud or deception.

A person can neither gain nor lose American citizenship by marriage. The only significant effect that marriage has is to shorten the time required for the naturalization of an alien who marries an American citizen.

A Nation of Immigrants

We are a nation of immigrants. Except for Native Americans—and even they may be the descendants of earlier immigrants—all of us have come here from abroad or are descended from those who did.

Regulation of Immigration Congress has the exclusive power to regulate the crossing of this nation's borders, both inward (immigration) and outward (emigration). It alone has the power to decide who may be admitted to the country and under what conditions. In an early leading case on the point, the Court ruled that the power of the United States to "exclude aliens from its territory is . . . not open to controversy," *Chae Chan Ping v. United States*, 1889. The States have no power in the field, *The Passenger Cases*, 1849.

There were only some 2.5 million people in the United States when independence was declared in 1776. Since then, the population has grown more than a hundredfold, to well over 300 million today. That extraordinary population growth has come from two sources: births and immigration. Some 70 million immigrants have come here since 1820, the year when such figures were first recorded.

Congress made no serious attempt to regulate immigration for more than a century after

independence. As long as land was plentiful and expanding industry demanded more and still more workers, immigration was actively encouraged.

By 1890, however, the open frontier was a thing of the past, and labor was no longer in short supply. Then, too, the major source of immigration had shifted. Until the 1880s, most immigrants had come from the countries of northern and western Europe. The "new immigration" from the 1880s onward came mostly from southern and eastern Europe. All these factors combined to bring major changes in the traditional policy of encouraging immigration. Ultimately, the policy was reversed.

Congress placed the first major restrictions on immigration with the passage of the Chinese Exclusion Act in 1882. At the same time, it barred the entry of convicts, "lunatics," paupers, and others likely to become public charges. Over the next several years, a long list of "undesirables" was added to the law. Thus, contract laborers were excluded in 1885, immoral persons and anarchists in 1903, and illiterates in 1917. By 1920, more than 30 groups were denied admission on the basis of personal traits.

The tide of newcomers continued to mount, however. In the 10 years from 1905 through 1914, an average of more than a million persons, most of them from southern and eastern Europe, came to this country each year.

Quotas Congress responded to pressure for tighter regulation by adding quantitative limits (numerical ceilings) to the qualitative restrictions (personal characteristics) already in place. The Immigration Acts of 1921 and 1924 and the National Origins Act of 1929 assigned each country in Europe a quota—a limit on the number of immigrants who could enter the United States from that country each year. Altogether, only 150,000 quota immigrants could be admitted in any one year.

The quotas were purposely drawn to favor northern and western Europe. The quota system was not applied to the Western Hemisphere, but immigration from Asia, Africa, and elsewhere was generally prohibited.

Checkpoint
When and why did Congress attempt to regulate immigration?

TAKE A CITIZENSHIP TEST

Distribute the Chapter 21 Section 4 Core Worksheet A (Unit 5 All-in-One, p. 223), which includes questions from the U.S. Citizenship and Immigration Services (USCIS) test that individuals take as part of the process of becoming an American citizen. Have students answer as many questions as they can in ten minutes. Quickly review the answers. Then ask: **Do you think any of the questions are unusual or difficult? Which ones? What is the general focus of most of the questions the USCIS thinks every new citizen should know? (citizenship, civic rights and responsibilities) What questions would you add to the test?**

Name _____ Class _____ Date _____

CHAPTER 21 SECTION 4	CORE WORKSHEET A American Citizenship	3
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In 2008, the Department of U.S. Citizenship and Immigration Services (USCIS) implemented a new citizenship test. Of its 100 questions, 38 are listed below. Answer the questions as quickly as you can.

1. What does the Constitution do?
2. The idea of self-government is in the first three words of the Constitution. What are these words?
3. What do we call the first ten amendments to the Constitution?
4. What is one right or freedom from the First Amendment?
5. How many amendments does the Constitution have?
6. What are two rights in the Declaration of Independence?
7. What is the economic system in the United States?
8. What is the "rule of law"?
9. What stops one branch of government from becoming too powerful?
10. Who makes federal laws?
11. How many U.S. Senators are there?
12. Who is one of your state's U.S. Senators?
13. The House of Representatives has how many voting members?
14. Name your U.S. Representative.
15. Why do some states have more Representatives than other states?
16. If both the President and the Vice President can no longer serve, who becomes President?

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L3 Differentiate Ask: **Why is it important that new citizens know about and understand U.S. history and government?**

¹⁵ A person convicted of a federal or a State crime may lose some of the privileges of citizenship, however, either temporarily or permanently—for example, the right to travel freely or to vote or hold public office.

Debate

Have students debate the following statement: **Loss of U.S. citizenship should be a penalty in the American system of justice.**

Have students provide reasons for and against using the threat of losing one's citizenship as a punishment for criminal acts. In addition, students should note which acts would warrant loss of citizenship.

Answers

Checkpoint By 1890, the open frontier was gone and labor was no longer in short supply. New immigrants were coming mostly from southern and eastern Europe. The Chinese Exclusion Act was passed in 1882 to restrict Chinese immigrants. Other "undesirables" were added to the law based on personal traits. In the 1920s, immigration was restricted to favor people from northern and western Europe.

Tell students to go to the Audio Tour to hear where immigrants settle in the United States.

UNDERSTAND IMMIGRATION ARGUMENTS

In this activity, students will gain an understanding of why immigration is so controversial. Have students work in pairs to research the opinions about immigration listed below. Pairs should write at least three arguments supporting the opinion and three refuting it. Have pairs share their arguments with the class. Point out that the opinions and arguments are similar to discussions that take place in Congress.

- America should more effectively militarize its borders to keep undocumented immigrants out.
- Quotas limiting the number of people that may enter the United States should be lifted.
- Undocumented immigrants are necessary to do the jobs that Americans do not want to do.
- Amnesty should be given to immigrants who have been in the country illegally for five years.
- Granting permanent legal status to undocumented immigrants who attend two years of college or military service is wasting American money.
- Harsher immigration policies are needed in the United States to fight terrorism.
- Refugees and others seeking asylum should have to provide evidence of the situation in the foreign countries they are fleeing.

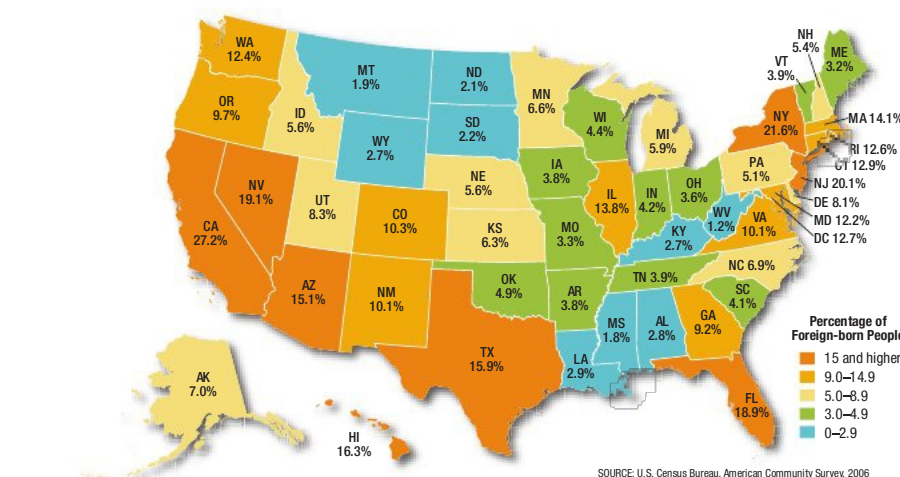
Immigrants in the U.S.



Audio Tour

Listen to an audio guided tour of the map at
PearsonSuccessNet.com

► **Analyzing Maps** The Immigration Act of 1990 allows 675,000 immigrants to enter the U.S. each year. The percentage of foreign-born people living in each State in 2006 ranged from less than 2 percent to more than 25 percent. **Which States have the largest immigrant populations?**



Checkpoint

What happened to the country-based quota system?

In 1952, Congress passed yet another basic law, the Immigration and Nationality Act. That statute modified the quota system, extending it to include every country outside the Western Hemisphere.

Congress finally eliminated the country-based quota system in the Immigration Act of 1965. That law allowed as many as 270,000 immigrants to enter the United States each year, without regard to race, nationality, or country of origin. The 1965 law gave special preference to immediate relatives of American citizens or of aliens legally residing in this country.

Present Immigration Policies Today, the Immigration Act of 1990 governs the admission of aliens to the United States. Like its predecessors, it was adopted only after years of intense debate, and many of its provisions are the subject of continuing controversy.

The 1990 law provided for a substantial increase in the number of immigrants

who may enter the United States each year. The annual ceiling is now set at 675,000. It also continues the family-preference policy first put in place in 1965; at least one third of those persons admitted under its terms must be the close relatives of either American citizens or resident aliens. Those immigrants who have occupational talents in short supply in the United States (notably, highly skilled researchers, engineers, and scientists) also receive special preference.

Only those aliens who can qualify for citizenship can be admitted as immigrants. The law's list of "excludable aliens"—those barred because of some personal characteristic—is extensive. Among those excluded are: criminals (including suspected terrorists), persons with communicable diseases, drug abusers and addicts, illiterates, and mentally disturbed persons who might pose a threat to the safety of others.

Background

DUAL CITIZENSHIP Dual citizenship has become much more common in recent years. Although the U.S. State Department does not officially recognize dual citizenship, it does not specifically prohibit it under some circumstances. There are certain rules for becoming a legal citizen of the United States and another country. The most basic rule is that a person who has United States citizenship by birth may later apply for citizenship in another country, without losing his or her American citizenship. A naturalized citizen, however, is required to renounce his or her foreign citizenship when granted American citizenship.

Answers

Analyzing Maps California, Nevada, Arizona, Texas, Florida, New York, New Jersey

Checkpoint Congress eliminated it in the Immigration Act of 1965.

Some 20 million persons—nonimmigrants—come here each year for temporary stays. They are mostly tourists, students, and people traveling for business reasons.

Deportation Most of the civil rights set out in the Constitution are guaranteed to “persons,” which covers aliens as well as citizens. In one important respect, however, the status of aliens is altogether unlike that of citizens: Aliens may be subject to **deportation**, a legal process by which aliens are legally required to leave the country.

The Supreme Court has long held that the United States has the same almost-unlimited power to deport aliens as it has to exclude them. In an early major case, the Court ruled that deportation is an inherent power, arising out of the sovereignty of the United States, and that deportation is not criminal punishment, and so does not require a criminal trial, *Fong Yue Ting v. United States*, 1893.

An alien may be deported on any one of several grounds. The most common is illegal entry. Thousands of aliens who enter with false papers, sneak in by ship or plane, or slip across the border at night are caught each year and deported. Many of them are repeat offenders who will soon make yet another attempt to cross the border.

Conviction of any serious crime, federal or State, usually leads to a deportation order. In recent years, several thousand aliens have been expelled on the basis of their criminal records, especially narcotics violators. The war on terrorism has also quickened the pace of deportations. Because deportation is a civil, not a criminal, matter, several constitutional safeguards do not apply—for example, bail and ex post facto laws.

Undocumented Aliens

No one knows just how many undocumented aliens reside in the United States today. Best estimates put their total at about 12 million.

The number of undocumented aliens is increasing by at least half a million per year. Most of them enter the country by slipping across the Mexican or Canadian borders, usually at night. Some come with forged papers. Many others are aliens who entered

legally, as nonimmigrants, but then overstayed their legal welcomes.

Well over half of all aliens who are here illegally have come from Mexico; most of the others come from other Latin American countries and from Asia. A majority of the Mexicans stay here only some four to six months a year, working on farms or in other seasonal jobs, and then return home. Most others hope to remain here permanently.

A Troublesome Situation Once here, many of these aliens find it easy to become “invisible,” especially in larger cities, and law-enforcement agencies find it very difficult to locate them. Even so, immigration officials have apprehended more than a million undocumented aliens in each of the last several years. Nearly all are sent home. Most go voluntarily, but some leave only as the result of formal deportation proceedings.

The presence of so many undocumented persons has caused a number of nagging problems. Those problems have grown worse over the past several years and, until recently, not much had been done to solve them.

Consider this: Ever since 1987, it has been illegal for an employer to hire an undocumented alien to perform work anywhere in the United States. Even so, some four million persons who now hold jobs in this country came here illegally. Some employers still hire aliens who are often willing to work for substandard wages and in substandard conditions.

No one knows just how many undocumented aliens have taken jobs on farms or become day laborers. Or how many have become janitors or dishwashers, or seamstresses in sweatshops, or have found other **menial** work. However many they are, their presence has multiplied the burdens of already strained public school systems and welfare services of an increasing number of States, most notably California, Arizona, Texas, and Florida.

Current Law The problems posed by undocumented aliens trouble and divide many different interests in American politics—chief among them labor, farm, business, religious, ethnic, and civil rights organizations. After wrestling with the matter for years,

Checkpoint
For what reasons may a person be deported?

Background

BEHIND THE SCENES Three bureaus in the Department of Homeland Security regulate immigration. United States Citizenship and Immigration Services (USCIS) adjudicates applications for benefits and services; United States Immigration and Customs Enforcement (ICE) is the law enforcement arm of the old INS; and United States Customs and Border Protection (CBP) is responsible for inspecting immigrants at entry and for border patrol. These bureaus are working to secure the nation’s borders against both terrorists and undocumented immigrants. Their planned tactics include building fences and other barriers along the borders. Virtual fencing, or radiation detection equipment, sensors, cameras, and other high-tech tools, are being implemented.


TRACE ATTITUDES TOWARD IMMIGRATION

Distribute the Chapter 21 Section 4 Core Worksheet B (Unit 5 All-in-One, p. 225), which shows a political cartoon about attitudes toward immigration in the 1890s. Students will learn that immigration policies were controversial even then. Have students answer the questions and discuss them in class.

Name _____ Class _____ Date _____

CHAPTER 21 **CORE WORKSHEET B**
Section 4 **American Citizenship** **3**

Immigration
The controversy over immigration is not new. The political cartoon below appeared in the magazine *Puck* in 1893. It was drawn by Joseph Keppler, himself an immigrant. Study the cartoon and then answer the questions that follow.



1. What is happening in the cartoon?

2. Note the shadows in the background. What do they symbolize?

3. Political cartoonists often exaggerate features or use stereotypes. What exaggerations and stereotypes has Keppler used here?

4. What is the message of this cartoon?

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L1 L2 Differentiate For these students, distribute the adapted Chapter 21 Section 4 Core Worksheet B (Unit 5 All-in-One, p. 226).

EXTEND THE LESSON

L3 Differentiate Have students interview a relative or a family friend who moved to the United States from another country. Provide students with the following questions to initiate the interviews:

- Do you have any personal stories that capture a sense of your experience?
- Do you believe your experiences were typical?
- How do you feel about television and film portrayals of immigrants’ lives?
- What lesson would you like to convey to members of my generation?

Then have students use their notes from the interview to write a short public-interest piece for a magazine or a newspaper.

L2 Differentiate If students are comfortable discussing their ancestors, chart how many students are first-generation through tenth-generation (or more) Americans.

Answers

Checkpoint illegal entry, conviction of a serious federal or State crime

Assess and Remediate

L3 Have students prepare a citizenship and naturalization handbook that recent immigrants could use to help them prepare for American citizenship. Encourage students to illustrate their handbooks and provide the names and phone numbers of important local government resources. Handbooks should also include a citizenship study guide and test.

L3 Assign the Section 4 Assessment questions.

L3 Quiz A (Unit 5 All-in-One, p. 227)

L2 Quiz B (Unit 5 All-in-One, p. 228)

Have students complete the review activities in the digital lesson presentation and continue their work in the Essential Questions Journal.

REMEDIATION

If Your Students Have Trouble With	Strategies For Remediation
Citizenship requirements (Questions 1, 2, 3, 5)	Have students write ten fill-in-the-blank quiz questions regarding citizenship by birth, citizenship by naturalization, and the loss of citizenship. Then have them exchange and complete one another's quizzes.
Immigration laws and policies (Questions 1, 4, 6)	Have students create an annotated timeline noting immigration policies and laws beginning with the Chinese Exclusion Act of 1882.

Answers

Analyzing Political Cartoons Congress should address the issue because it is not going away.

Assessment Answers

1. by birth if born to a U.S. citizen or if born in the U.S.; by naturalization through the courts or if both parents are naturalized; first major restriction was Chinese Exclusion Act of 1882; by 1920 more than 30 groups denied on basis of personal traits; each European country assigned a quota in the 1920s; quota system eliminated in 1965; annual ceiling now 675,000
2. (a) by birth or naturalization (b) **jus soli**: citizenship determined by where one is born; **jus sanguinis**: citizenship determined by parentage

3. (a) legal process by which a person can become a citizen of another country (b) hundreds of thousands
4. (a) and (b) Answers will vary. (c) possible answers: terrorist activities, helping a country at war with the U.S.
5. (a) made it easier to deport undocumented aliens, toughened penalties for smuggling aliens into this country, prevented undocumented aliens from claiming Social Security benefits or public housing, allowed State welfare agencies to check the legal status of

any alien who applies for any welfare benefit, doubled the size of the Border Patrol (b) and (c) Answers will vary.

QUICK WRITE Students should include specific details about implementing the solution funds needed, time allotment, and so on.

Congress was finally able to pass the Immigration Reform and Control Act of 1986. Then, it enacted the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

The 1986 law did two major things. First, it established a one-year amnesty program under which many undocumented aliens could become legal residents. More than two million aliens used the process to legalize their status. Second, that law made it a crime to hire any person who is in this country illegally. Any employer who knowingly hires an undocumented alien can be fined from \$250

to as much as \$10,000. Repeat offenders can be jailed for up to six months.

The 1996 law made it easier to deport illegal aliens by streamlining the deportation process. It also toughened the penalties for smuggling aliens into this country, prevented undocumented aliens from claiming Social Security or public housing benefits, and allowed State welfare agencies to check the legal status of any alien who applies for any welfare benefit. The statute also doubled the size of the Border Patrol—which is, today, the largest of the several federal law enforcement agencies.

Congress has not been able to enact any meaningful immigration reform legislation for more than a decade now, however. The principal reason for the impasse is a continuing dispute over how best to approach the matter.

Many in and out of Congress insist that securing the nation's borders—stemming the flow of illegal entries—should be the nation's first concern. That thorny matter should be addressed, they say, before anything is done to meet the problems posed by the undocumented aliens already in this country. Many others argue that the need to confront these problems should be put off to another day. In particular, many of them want to make it possible for large numbers of undocumented aliens to become legal residents and, eventually, citizens of the United States.



Analyzing Political Cartoons What is the cartoonist's point of view about the immigration issue?

Essential Questions Journal

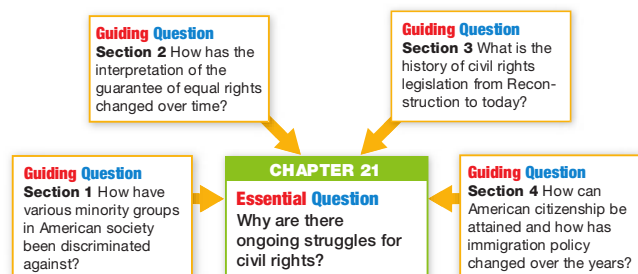
To continue to build a response to the chapter Essential Question, go to your Essential Questions Journal.

SECTION 4 ASSESSMENT

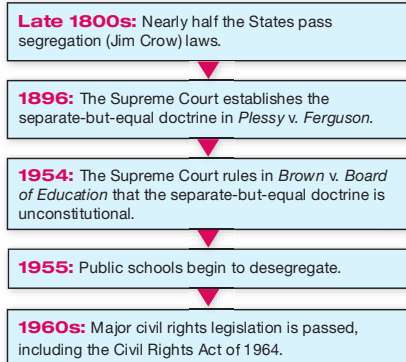
1. **Guiding Question** Use your completed outline to answer this question: How can American citizenship be attained and how has immigration policy changed over the years?
- Key Terms and Comprehension**
2. (a) In what two ways may a person become a U.S. citizen? (b) What is the difference between **jus soli** and **jus sanguinis**?
3. (a) What is **naturalization**? (b) About how many **aliens** are naturalized each year?
- Critical Thinking**
4. **Demonstrate Reasoned Judgment** (a) Should U.S. citizenship be considered a right or a privilege? (b) Do you think citizens by birth should meet the same requirements as those set for naturalized citizens? Why or why not? (c) What actions, if any, do you think should result in an individual's involuntary expatriation?
5. **Identify Alternatives** (a) What did the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 provide? (b) Do you think these provisions have been successful? Why or why not? (c) What changes, if any, do you think should be made to the law?

Quick Write

Problem-Solution Essay: Implement the Solution Write a specific proposal or action plan to implement the solution you selected in Section 3. Identify the steps needed to solve the problem, and then write an outline of your solution.



Segregation in American Society



Affirmative Action



Political Dictionary

heterogeneous p. 612
immigrant p. 612
reservation p. 613
refugee p. 615
assimilation p. 615
rational basis test p. 619
strict scrutiny test p. 619
segregation p. 619
Jim Crow p. 619
separate-but-equal doctrine p. 619
integration p. 620
de jure p. 621
de facto p. 621
affirmative action p. 627
quota p. 628
reverse discrimination p. 628
citizen p. 632
jus soli p. 633
jus sanguinis p. 633
naturalization p. 633
alien p. 634
expatriation p. 634
denaturalization p. 635
deportation p. 637

Have students download the digital resources available at Government on the Go for review and remediation.

STUDY TIPS

Predict Test Questions Predicting with accuracy what will be on a test can lead to more focused studying and better grades. Suggest the following prediction strategies to students: Above all, pay attention to those things the teacher emphasizes in class. If a particular point is repeated; written on the board, on an overhead, or in a Power Point presentation; or appears in a study guide, chances are it will resurface on the test. In addition, suggest that students take note of questions asked by the teacher during class. A review of old tests and quizzes will reveal the types of questions and content the teacher stresses. Advise students to predict both lower- (factual recall) and higher-order (critical thinking) questions. Students can create their own study guide by writing a few possible questions after every class.

ASSESSMENT AT A GLANCE

Tests and Quizzes

Section Assessments
Section Quizzes A and B, Unit 5 **All-in-One**
Chapter Assessment
Chapter Tests A and B, Unit 5 **All-in-One**
Document-Based Assessment
Progress Monitoring Online
ExamView Test Bank

Performance Assessment

Essential Questions Journal
Debate, p. 635
Assessment Rubrics, **All-in-One**

For More Information

To learn more about civil rights, refer to these sources or assign them to students:

- L1 Johnson, Troy R.** *Red Power: The Native American Civil Rights Movement*. Chelsea House Publications, 2007.
- L2 Friedman, Lauri S., ed.** *Discrimination (Issues That Concern You)*. Greenhaven Press, 2007.
- L3 McNeese, Tim.** *The Civil Rights Movement: Striving for Justice*. Chelsea House Publications, 2007.
- L4 Kellough, J. Edward.** *Understanding Affirmative Action: Politics, Discrimination, and the Search for Justice*. Georgetown University Press, 2006.

Chapter Assessment

COMPREHENSION AND CRITICAL THINKING

SECTION 1

1. (a) It is made up of a mix of races and nationalities. (b) In colonial times, 80 percent of the population was white; 20 percent African American. Today the ethnic composition includes many nationalities, with whites making up about 65 percent of the population. (c) Hispanic Americans and Asian Americans
2. (a) by providing financial assistance to educational programs for Native American children and adults (b) Answers will vary.
3. (a) 1850s to 1860s; to work as contract laborers in mines and on railroads (b) Chinese immigration came to a halt with the Chinese Exclusion Act of 1882. When immigration policies were changed in 1965, Chinese immigration increased dramatically.
4. (a) an invisible but impenetrable barrier that prevents women from rising in the corporate world (b) reverse discrimination (c) The character laments that a male bee cannot obtain the highest position; usually, gender-based discrimination complaints are made by women.

SECTION 2

5. Answers will vary. Possible response: Government may tax smokers. Burglars fall into a criminal classification.
6. (a) to keep African Americans segregated from whites (b) *Plessy v. Ferguson*; that separate facilities for African Americans were equal (c) Answers will vary. Possible response: No. Separate facilities are inherently unequal because separation implies inferiority of those set apart.
7. (a) Possible answers: *Reed v. Reed* struck down a law that gave fathers preference in the administration of children's estates; *Taylor v. Louisiana* forbids States to exclude women from jury duty (b) Students should respond to the Court's gender classifications that gender-based laws must be (1) intended to serve an "important governmental objective" and (2) are "substantially related" to achieving that goal.

SECTION 3

8. (a) **1964**: outlaws discrimination in a number of areas, including various "public accommodations," in any program that receives any federal funding, or in job-related matters; **1968**: forbids anyone to refuse to sell or rent a dwelling to people

Chapter Assessment

GOVERNMENT ONLINE
Self-Test
To test your understanding of key terms and main ideas, visit
PearsonSuccessNet.com

Comprehension and Critical Thinking

Section 1

1. (a) What does it mean to say that the population of the United States is heterogeneous? (b) How does the ethnic balance in the United States today differ from that of colonial times? (c) Which ethnic groups are experiencing the most rapid population growth?
2. (a) How did the Indian Education Act of 1972 attempt to reduce poverty on and near reservations? (b) Do you think that laws can fix the damage done to Native Americans? Why or why not?
3. (a) When and why did Asians first come to the United States? (b) How did Asian immigration change after 1882? After 1965?
4. **Analyze Political Cartoons** Study the cartoon below.
(a) What does "glass ceiling" mean? (b) What form of discrimination is targeted by this cartoon? (c) How does the cartoon reverse the usual situation?



Section 2

5. Cite an example of what you consider to be reasonable government discrimination.

Apply What You've Learned

13. **Essential Question Activity** Research major civil rights leaders in the United States, looking particularly for information on their ideals, struggles, and successes. Jot down notes as you work.
14. **Essential Question Assessment** Based on your research and the content you have learned in this chapter, create a timeline that helps to answer the Essential

Question: **Why are there ongoing struggles for civil rights?** Your timeline should include civil rights legislation and court cases, as well as quotes from famous civil rights leaders.

Essential Questions Journal To respond to the chapter Essential Question, go to your **Essential Questions Journal**.

6. (a) What was the intent of Jim Crow laws? (b) What landmark Supreme Court case upheld Jim Crow laws, and on what basis? (c) Do you think facilities can be "separate but equal"? Why or why not?
7. (a) Cite two cases in which the Supreme Court found sex-based distinctions to be unconstitutional. (b) Do you think the parameters that the Supreme Court uses when ruling on laws regarding the treatment of men and women are fair? Explain.

Section 3

8. (a) What do the Civil Rights Acts of 1964 and 1968 prohibit? (b) How was enforcement of the 1968 act given added strength?
9. (a) What was the first major affirmative action case ruled on by the Supreme Court? (b) How did the Supreme Court rule in the case? (c) What arguments do critics use when they claim that affirmative action is unconstitutional?

Section 4

10. (a) How does the 14th Amendment define citizenship? (b) In what circumstances may a child born abroad become an American citizen at birth?
11. (a) Why was immigration restricted in the 1880s and again in the 1920s? (b) Outline present immigration policy. (c) Who is excluded from entering the United States today?

Writing About Government

12. Use your Quick Write exercises from each Section Assessment to write a problem-solution essay about the topic you selected in Section 1. Begin with an interesting detail that grabs readers' attention, then explain the problem. Describe the pros and cons of two solutions, using supporting facts and details to outline the steps of what you consider to be the best proposal. Proofread and revise your rough draft into final manuscript. See pp. S3-S5 in the Skills Handbook.

on grounds of race, color, religion, national origin, sex, disability, or whether they have children (b) The Justice Department was given authority to bring criminal charges against those who violate its terms.

9. (a) *Regents of the University of California v. Bakke* (b) It held that *Bakke* had been denied equal protection and should be admitted to the medical school. (c) Critics say that the Constitution requires all public policies to be "color blind."

SECTION 4

10. (a) as "all persons born or naturalized

in the United States and subject to the jurisdiction thereof" (b) if both parents are American citizens, and at least one has lived in the United States or an American territory at some time; or if one parent is an American citizen who has lived in the United States for at least 5 years, 2 of them after age 14, and the child has lived in the United States continuously for at least 5 years between the ages of 14 and 28

11. (a) In the 1880s, the open frontier was gone and labor was no longer in short supply, and new immigrants were coming mostly from southern and eastern Europe.

Document-Based Assessment

CHAPTER 21

Liberty, Equality, and Justice

"All men are created equal" were empty words for African Americans who faced de jure segregation in the South and de facto segregation in the North. These documents show that Dr. Martin Luther King, Jr., who emerged as the leader of the civil rights movement, inspired Americans to revive the civil rights struggle.

Document 1

Section 1 That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

—Virginia Declaration of Rights, 1776

Document 2

I say to you today, my friends, so even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream.

I have a dream that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident: that all men are created equal.'

I have a dream that one day on the red hills of Georgia the sons of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood. . . .

I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.

—Martin Luther King, Jr., "I Have a Dream," August 28, 1963

Document 3



Document 4

Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly. Never again can we afford to live with the narrow, provincial 'outside agitator' idea. Anyone who lives inside the United States can never be considered an outsider anywhere within its bounds.

—Martin Luther King, Jr., "Letter From Birmingham Jail," April 16, 1963

Use your knowledge of civil rights and Documents 1–4 to answer the following questions.

- Which statement best summarizes Document 4?
 - Never stop fighting for your rights.
 - We are all afflicted by injustice.
 - Search your heart for the truth.
 - All Americans should enjoy happiness and safety.
- According to Document 1, what are the inherent rights of the American people?
- From which founding document does King quote in Document 2?
- What method of protest is illustrated in Document 3?
- Pull It Together** What is the common thread that is woven through these documents? Explain.



GOVERNMENT ONLINE Documents

To find additional primary sources about civil rights, visit PearsonSuccessNet.com

DOCUMENT-BASED ASSESSMENT

- B
- life, liberty, property, happiness, and safety
- the Declaration of Independence
- nonviolent or peaceful picketing
- All Americans are inherently equal, and all should receive equal justice and liberty.

L2 Differentiate Students use all the documents on the page to support their thesis.

L3 Differentiate Students include additional information available online at PearsonSuccessNet.com.

L4 Differentiate Students use materials from the textbook, the online information at PearsonSuccessNet.com, and do additional research to support their views.



Go Online to PearsonSuccessNet.com for a student rubric and extra documents.

In the 1920s, immigration was restricted to favor people from northern and western Europe. **(b)** The annual ceiling is set at 675,000 immigrants. Relatives of American citizens or resident aliens and immigrants with needed occupational talents are given priority. **(c)** criminals, suspected terrorists, persons with communicable diseases, drug abusers and addicts, illiterates, and mentally disturbed persons who might pose a threat to the safety of others

WRITING ABOUT GOVERNMENT

12. Students' essays should show evidence

that they have researched pros and cons to plan and organize their steps toward solutions. A solid essay will utilize this research, with paragraphs organized by main ideas and supporting details. If students need help, guide them during the planning stage, using questions to draw out details for their solutions.

APPLY WHAT YOU'VE LEARNED

13. Students' notecards should include civil rights leaders of various races, ethnicities, and gender. Encourage students to locate and read the complete text of "Letter From

Birmingham Jail" by Martin Luther King, Jr.

14. Students should scan the chapter for important civil rights legislation. Timelines should include brief descriptions of each law, how it was decided, and how it relates to other laws on the timeline.

ANSWERS TO ESSENTIAL QUESTION WARMUP

Before assigning these questions, distribute the Rubric for Assessing a Writing Assignment (Unit 5 All-in-One, p. 242). Use the criteria and the guidelines below to grade students' answers to the Essential Question Warmup questions. Then send students to the **Essential Questions Journal** to answer the unit Essential Question.

1. According to this quote from *The Federalist* No. 78, Hamilton believed that the role of the judicial branch was to define and interpret the laws.
2. To answer this question successfully, students must demonstrate that they understand the premise of constitutionality. They will also make a clear statement of position and defend it with evidence.
3. A good answer will articulate an opinion about the role of the judicial branch in settling disputes related to new technology and situations that the Framers could not have foreseen when the Constitution was written. It will offer concrete examples to support the thesis.
4. To answer this question successfully, students must state a position on whether judges should be guided by personal views and support that position with evidence and examples.

Essential Question

What should be the role of the judicial branch?

Whether the role of the judicial branch should be to make law, apply law, or explain the law has been debated throughout history. The following examples each offer a perspective on the answer.

ON JUDICIAL ACTIVISM:

We want courts to settle the question of whether someone has exceeded the limits set by the law. And we want judges to be free of essential dependence upon the wielders of power so that they can do what they are supposed to do without being intimidated.

—Joseph Tussman, *Judicial Activism and the Rule of Law—Toward a Theory of Selective Intervention*

ON THE IMPLICATIONS OF LAWS WITHOUT COURTS:

Laws are dead letters without courts to expound and define their true meaning and operation.

—Alexander Hamilton, *The Federalist* No. 78

ON HOW JUSTICES RULE:



Essential Question Warmup

Throughout this unit, you studied the judicial branch. Use what you have learned and the quotations and opinions above to answer the following questions. Then go to your **Essential Questions Journal**.

1. What did Hamilton think should be the role of the judicial branch?
2. Are all laws completely constitutional or unconstitutional?

3. Should the role of the judicial branch change to adapt to changing times? Explain.
4. Should judges allow their personal views to guide their decisions? Why or why not?

Essential Questions Journal To continue to build a response to the unit Essential Question, go to your **Essential Questions Journal**.

Assessment Resources

Unit 5 AYP Monitoring Assessment
ExamView Test Bank CD-ROM
SuccessTracker Assessment
Online Student Self-Tests
Chapter Tests
Section Quizzes
Chapter-level Document-Based Assessment

In This Unit

Chapter 22:
Comparative
Political Systems

Chapter 23:
Comparative
Economic Systems

Photo: Russian Prime Minister Vladimir Putin meets with President Hu Jintao of China in Moscow, Russia.

Essential Questions Journal

To begin to build a response to the chapter Essential Question, go to your Essential Questions Journal.

Unit 6 Comparative Political and Economic Systems

Essential Question How should a government meet the needs of its people?

643

ESSENTIAL QUESTION PERSPECTIVES

Essential questions frame each unit and chapter of study, asking students to consider big ideas about government. The question for this unit—**How should a government meet the needs of its people?**—demands that students ask further questions. How should a government identify and define the people's needs? Is there a difference between political needs and economic needs? What should be the balance between meeting needs and allowing the market to work? How do governments measure their success in meeting its people's needs?

To begin this unit, assign the Unit 6 Warmup Activity on page 185 of the **Essential Questions Journal**. This will help students start to consider their position on the **Unit 6 Essential Question: How should a government meet the needs of its people?**

Show the **Unit 6 American Government Essential Questions Video** to help students begin thinking about the unit Essential Question and designate a classroom bulletin board for students to post news articles related to the unit Essential Question. Use the Conversation Wall strategy (p. T27) to encourage students to post articles and comments on other students' postings.

Later, students will further explore the chapter-level essential questions:

Chapter 22: How should you measure different governments?

Chapter 23: To what extent should governments participate in the economy?

Use the **Essential Questions Journal** throughout the program to help students consider these and other big ideas about government.

Government Online Resources

Government Online Teacher Center at **PearsonSuccessNet.com** includes

- Online Teacher's Edition with lesson planner and lecture notes
- Teacher's Resource Library with All-in-One Resources, Color Transparencies, Adequate Yearly Progress Monitoring, and an alternative lesson plan for each chapter
- SuccessTracker Assessment

Government Online Student Center at **PearsonSuccessNet.com** includes

- Interactive textbook with audio
- American Government Essential Questions Video
- Chapter-level WebQuests
- Guided Audio Tours and Interactivities
- Student Self-Tests

Introduce the Chapter

Essential Questions:

UNIT 6

How should a government meet the needs of its people?

CHAPTER 22

How should you measure different governments?

ACTIVATE PRIOR KNOWLEDGE

Have students examine the image and quotation on these pages. Ask: **What form of government does China have? (Communist) Based on the quotation, do you think Winston Churchill would consider China's government effective? Explain.** (*No. The quote suggests that Churchill considers democracy more effective than communism.*) In this chapter, students will learn about democracy: its roots, its different forms, and the difficulties of achieving it. Tell students to begin to explore democracy by completing the Chapter 22 Essential Question Warmup activity in their **Essential Questions Journal**. Discuss their responses as a class.

BEFORE READING

L2 ELL Differentiate Chapter 22 Prereading and Vocabulary Worksheet (Unit 6 All-in-One, p. 9)

SUCCESSNET STUDENT AND TEACHER CENTER

Visit **PearsonSuccessNet.com** for downloadable resources that allow students and teachers to connect with government "on the go."

DIGITAL LESSON PRESENTATION

The digital lesson presentation supports the print lesson with activities and summaries of key concepts.

SKILLS DEVELOPMENT

ANALYZE TIMELINES

You may wish to teach analyzing timelines as a distinct skill within Section 1 of this chapter. Use the Chapter 22 Skills Worksheet (Unit 6 All-in-One, p. 21) to help students learn how to analyze timelines. The worksheet asks students to use information about African independence to create a vertical timeline. For L2 and L1 students, assign the adapted Skill Activity (Unit 6 All-in-One, p. 23).

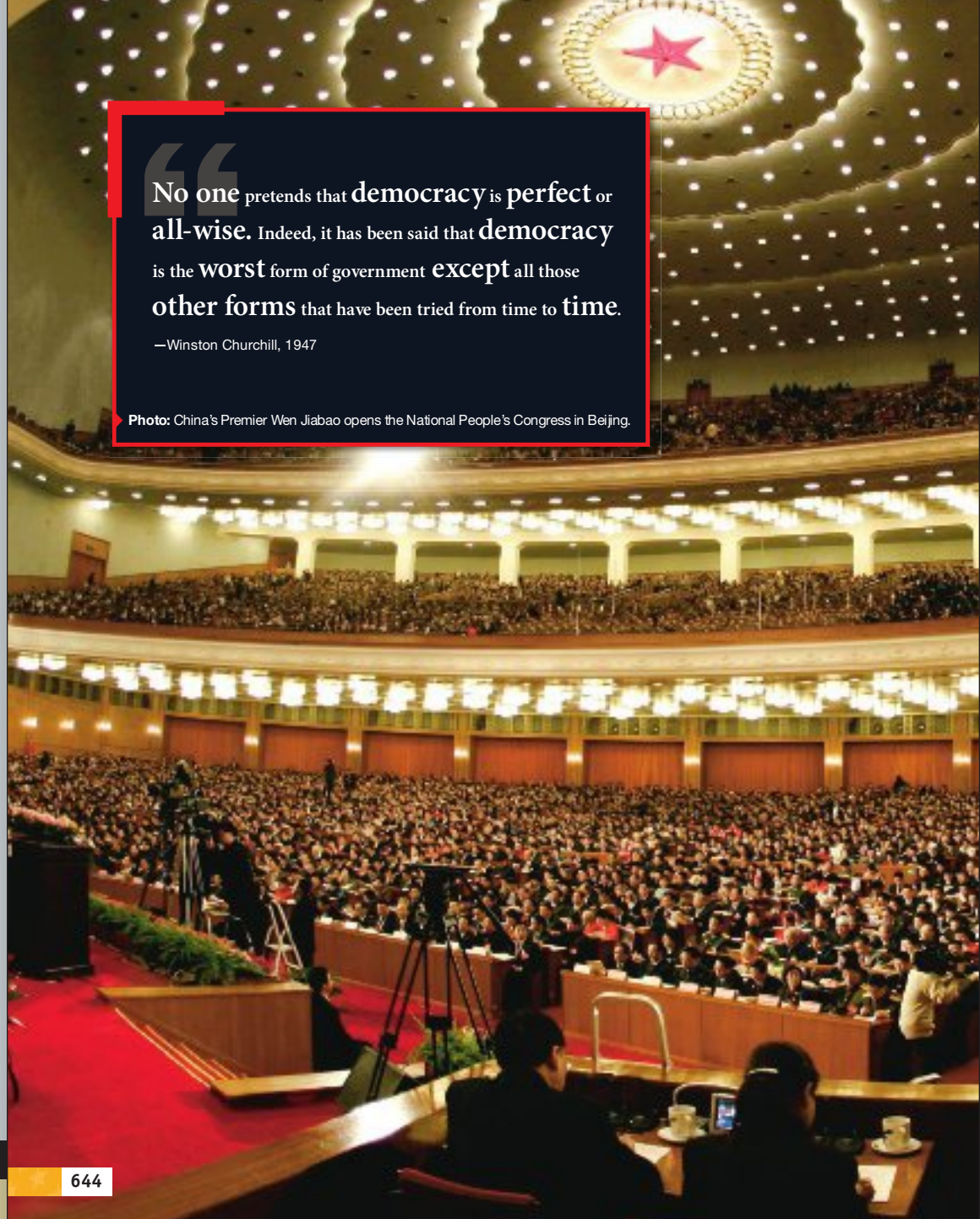


The chapter WebQuest challenges students to answer the chapter Essential Question by asking them about different forms of government.

“No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of government except all those other forms that have been tried from time to time.”

—Winston Churchill, 1947

Photo: China's Premier Wen Jiabao opens the National People's Congress in Beijing.



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Block Scheduling

BLOCK 1: Teach the Section 1 lesson, and omit the Core Worksheet activity and Extend options. Teach the Section 2 and 3 lessons, omitting the Core Worksheet activity in Section 2 and the Extend options in both sections.

BLOCK 2: Have students create a Venn diagram to compare and contrast the governments of the UK and Mexico.